

THE
DUBLIN REVIEW.

NOVEMBER 1841.

- ART. I.—1. *Antiquitates Americane, sive Scriptores Septentrionales rerum ante-Columbianarum in America.* (American Antiquities, or Accounts from Northern writers respecting America before the time of Columbus.) Copenhagen : 1837.
2. *Samling af de i Nordens Oldskrifter indeholdte Efterretninger an de gamle Nordboers Optagelsesreiser til America fra det 10 de til det 14 de Aarhundrede.* (Collection of the Evidence contained in old writings respecting the voyages of discovery made to America by the ancient inhabitants of the North, from the 10th to the 14th century.) Published by the Royal Society of Northern Antiquaries. Copenhagen: 1837.
3. *The Discovery of America by the Northmen, in the Tenth Century, with Notices of the early Settlements of the Irish in the Western Hemisphere.* By North Ludlow Beamish. London: 1841.
4. *The Discovery of America by the Northmen, in the Tenth Century.* By Joshua Toulmin Smith, with Maps and Plates. London: 1839.

THE subject we are about to discuss is one of strong, vivid, and universal interest. We have to treat of the successive discoveries which the ancient world has made of the new, and those connecting links which have bound their populations together from time immemorial.

It appears that this inquiry is susceptible of much new illustration. The philosophical truth-searcher may cast a fresh and fascinating light over its details, equally unexpected and satisfactory. This new light will principally arise from the concentration and accumulation of the scattered evidences of history that have never yet been fairly brought

together and subjected to comparative analysis. We would seek to collect into a focus of irradiation those broken rays of intelligence that are dispersed through the chaos of literature, and which by their very dispersion lose their appropriate brightness. This is the very best method of arriving at sound conclusions in questions of this nature. For truth consists in the accumulation of evidences, as error consists in their partition.

But besides this concentration and harmonic arrangement of many ancient testimonies on the subject, that have hitherto been kept in separate and confused masses, the recent good fortune of antiquarian investigators has enabled us to confirm our argument, by a series of facts unknown to the historians of the last century.

In entering on this stirring examination, in which our contemporaries on both sides of the Atlantic are implicated, let us solicit the reader's indulgent and patient attention. Let him not be displeased if we find ourselves obliged to lay the basis of our argument in the very remotest ages, and touch upon certain arcana of antiquarian lore that may seem at first sight remote from our leading topic. Nor let him be offended if throughout this disquisition we avail ourselves of large quotations and testimonials from foreign or British authors who have already caught glimpses of the truth. In these cases, so far from wishing to be purely original, we are rather anxious to emulate the pleadings of a lawyer, and to lay the *great current of decisions* of established authority open to the audience.

If it is proper in this disquisition to adopt that venerable maxim, "begin with the beginning," it is likewise proper to add that we know extremely little respecting the beginning of the discoveries we must elucidate. The Jews indeed have a tradition that even in antediluvian times the great quarters and distinctive features of the world were nearly the same as they are at present. They assert that the principal continents, seas, islands, mountains, rivers, &c. of the antediluvian world were nearly in the same relative position in which we find them in modern geography. Such a theory they attempt to prove from the words of Moses, who refers to mountains and rivers subsisting in his time, as subsisting under the same names before the flood. Building on such presumptions, the rabins go on to assure us that Britain, and even America, were peopled before the deluge. Some learned men have attempted to confirm this notion by the story of Plato's At-

lantis; but we shall see by and by, that the history of Atlantis is referable to a subsequent era.—*Vide Bochart, Grotius, &c.*

Passing by this period of twilight fables, we come to the grand catastrophe of the deluge, of which we have assured biblical record. We shall take for granted the universality of the deluge, as it is confirmed by the gravest authorities, and as the geological phenomena of every land lend it confirmation.

After the deluge, the Noachidæ, or descendants of Noah, extended from the Armenian chain of mountains on which the ark rested, and began to repopulate the continents of our planet.

We will not at present perplex the reader with the elaborate disquisitions of Bryant, Faber, and other authors, on the original distribution of the Noachidæ. Suffice it to say in general terms, that the descendants of Sem principally occupied Asia, the descendants of Cham, Africa, and the descendants of Japheth, Europe, and the Western Isles, of the Gentiles; the primitive language of mankind being diversified more and more, as men receded from the centre of union.

Some scholars have supposed that the Semitic tribes of Eastern Asia first peopled America; but they have little authority for the assertion. Some have given credence to the pretence of the Chinese, that they were the first discoverers of the American continent, because wrecks of Chinese vessels have been found on the coasts of the Pacific Ocean, and because the ancient Peruvians worshipped the sun, and wrote from the top to the bottom of the page like the Chinese. These statements have all been refuted by other writers. Their opinion is of little more value who think that the people of America came from Great Tartary; because they had no horses before the Spanish conquest, and it is almost impossible that the Scythians, who abounded in horses, should bring none with them; besides, the Tartars were never seamen.

Others have imagined that descendants of Cham, the Armenians, the Phœnicians or Ethiopians, were the first settlers in America. A learned author has maintained, as to the people of Jucatan and the neighbourhood, that they came from Ethiopia by way of the ocean. He grounds this opinion on the practice of circumcision among these nations of America, which was also used by the Ethiopians. These assertions,

however, have little evidence to support them, and they have generally been rejected by the learned.—*Vide Burigni.*

We must therefore agree with the maxim of those who assert that the main stream of human population has always flowed from east to west, and look among the descendants of Japheth for the earliest discoverers of America. The prophecy of Noah was, "God shall enlarge Japhet," and the name of Japhet signifies *enlargement*. The territory of Japhet's posterity was very large; for to quote the words of Bochart, "besides all Europe, great and extensive as it is, they possessed the lesser Asia, Armenia, Media, Iberia, Albania, and those vast regions towards the north which anciently the Scythians inhabited, and now the Tartars inhabit, and it is not impossible that the New World was peopled by some of his northern descendants, passing thither by the Straits of Anien." Thus far Bochart.

Of the sons of Japhet it is necessary here to notice the name of Javan, the reputed ancestor of the Javanese, Iacones, Ionians or Greeks, because some have supposed the Javanians or Ionians the first discoverers of America. No doubt the *great spirit of discovery*, which the Greeks indicated under the names of Perseus and Hercules, early pervaded the regions of the west, apportioned to Gomer, whom we shall hereafter prove to have been identical with Atlas. No doubt the Iacones or Greeks had many struggles with the Gomerites or Atlantians for the supremacy; but we hasten to show that it is to the Gomerites or Atlantians themselves that the discovery of America is mainly to be attributed.

We proceed to support that opinion as the most consistent with historical records, which supposes Gomer, one of the sons of Japhet, to be the ancestor of those who first peopled America. The name of Gomer bears a sense not very dissimilar to that of Japhet. The etymologists inform us that Gomer means *expatriation, immensity, fulfilment, &c.*, words which imply the greatest development and vastness.

The posterity of Gomer, under the name of Gomerians, Cimmerians or Cimbrians, appear to have peopled a part of Asia, and the whole of Western Europe. To illustrate this proposition, we need only cite a few passages from Dr. Well's Sacred Geography.

"The Jewish historian Josephus," says he, "expressly tells us that the Galatians were called Gomerites; and Herodotus tells us that a people called Cimmerii dwelt in those parts; and Pliny

speaks of a town in Troas, a part of Phrygia, called Cimmeris. It is no wonder, therefore, if we find the name of Gomerites, Cimmerians, or Cimbrians, common to the descendants of Gomer's three sons, Ashkenaz, Rephath, and Togarmah,—the ancestors of the Tuscan, the Gothic, and the Celtic races, respectively.

"Thus," continues Dr. Wells, "the colony of the Cimmerii increasing in process of time, and so spreading themselves still by new colonies further westward, came along the Danube, and settled themselves in the country which, from them, has been called Germany. For as to the testimony of the ancients, Diodorus Siculus affirms that the Germans had their origin from the Cimmerians; and the Jews to this day called them Ashkanazim, or descendants of Ashkenaz, son of Gomer. Indeed, they themselves retain plain marks of their descent, both in the name Cimbri, and also in their common name Germans,—that is, Gomeræans. The other name, Cimbri, is easily formed from Cimmerii; and by that name the inhabitants of the north-west peninsula of Old Germany, now-a-days called Jutland, were known, not only to ancient, but later writers; and from this name of the inhabitants, the said peninsula is called Cimbrica Chersonesus, and that frequently in modern authors.

"Out of Germany," continues Wells, "the descendants of Gomer spread themselves into Gaul, or France. To prove this, Camden quotes the testimony of Josephus, where he says that those called by the Greeks Galatæ, were originally called Gomerites. Which words may be understood either of the Asiatic Galatæ, commonly called by us Galatians, or the European Galatæ, commonly called by us Gauls, Galti or Celti. There are testimonies to the same effect from other writers. Thus Appian, in his *Illyrics*, says expressly that the Celtæ or Gauls were otherwise called Cimbri. Again, Lucan calls that ruffian who was hired to kill Marius, a Cimbrian,—whereas Livy and others affirm him to have been a Gaul, and by Plutarch the Cimbri are termed Gallo-Scythians.

"I have produced these testimonies from Camden," says Dr. Wells, in conclusion, "in order to make it plain that the ancient inhabitants of our island were also Gomerites, Cimmerians, Cimbrians, or descendants of Gomer. For it is not to be questioned but that this isle was first peopled from those countries of the European continent which lie next to it, and consequently from Germany or Gaul. Indeed, to me there seems to be no need of adding any other evidence that the Britons were descended originally from Gomer, than the very name whereby their offspring the Welsh call themselves to this very day,—to wit, Kumero, or Cymro: in like manner, they call a Welsh woman *kumeraes*, and their language *kumeraeg*. It likewise follows that our Angles, who succeeded the old Britons in this part of the isle, were likewise Gomerites, or Cimbrians."

Now, we believe that Gomer the son of Japheth, according to the biblical record, was represented in the language of Grecian literature by Atlas the son of Japetus and Asia, As this supposition is of great importance to our argument, we must strengthen it by a few authorities. As Gomer, in Hebrew, signified *expansion*, so does the name Atlas, which is derived from a Syrian word signifying *space*, or the expansive principle, which, with the greatest energy, developes and supports all things, struggling against all opposition. "Thus," says Pluché, "the word Atlas is derived from the Phœnician *atlah*, to strive with great fatigues and labours." Thence comes the *αθλος* of the Greeks, which signifies *great difficulties, hard combats*. It may likewise be derived from *atlah*, a support, whence the Greek *Στήλη*, a column; or *τήμι*, to sustain.

Thus was the signification of the name Atlas, like that of Gomer, symbolical of *space*. Hence the word *Atlas* and *space* are mythologically the same; and the fables relating to the one will be found to relate to the other. Hence the term *Atlantlic*, or *Atlantean*, was applied to whatever was very *spacious* or *vast*, as Mount Atlas, the Atlantic Ocean, &c.

In the present enquiry, however, we have not so much to treat of the mythological attributes of Atlas, as to develope the analogies that subsist between the history of Gomer and his descendants, and the history of Atlas and his descendants. The more we examine these, the more shall we be convinced that the race of the Gomerites, Cimmerians or Cimbrians, are identically the same people as the Atlantes, Atlantians, or descendants of Atlas.

Atlas is fabled by the ancient Pagans to have been the great patriarch and king of western Europe. His empire, they tell us, reached to the utmost regions of the *west*, and to that sea where the horses of the sun, wearied with their daily course, refresh themselves. A thousand flocks fed in his wide extended plains, and all acknowledged him for their lord. He had many children: the most famous was Hesperus, who reigned sometime in Italy, which was from him called *Hesperia*. He had likewise several daughters, called *Hesperides*, who were in possession of the extreme islands of the west, which were guarded by a great dragon (the Atlantic Ocean). These blessed islands of the *Hesperides* possessed a delicious climate, and were filled with golden fruits of the most delectable relish.

Such are some of the reasons that induce us to believe that the history of the Gomerites or Cimbrians is represented by

that of the Atlantides or Atlantians, who, as Plato informs us, possessed some part of Asia, and the whole of western Europe.

Now, the few records of primeval history which have come down to us, indicate that the Cimbrians or Atlantians were a very enterprising race, and that they cultivated navigation to a great extent in the earliest times. We have several historical fragments to show that the Noachidæ in general cultivated the science of ship-building, and the laws of navigation, with great ardour, during the settlement of nations after the flood. The experience which enabled them to construct the ark could not have been suddenly renounced. Many authors, as Kircher, Vandale, and Campanella, have supposed that the Noachidæ were acquainted with the use of the compass. At any rate, the construction of large vessels must have been an art not neglected, when the different tribes of men had to repair to their respective apportionments of the globe, many of which would seem to have been insular for ages after the deluge.

Much illustration of this theory may be found among the commentators on the Argonautica. The adventurous generals of primitive Greece were not the only men that built large ships fitted out for voyages of discovery. They were not the only men whom the "auri sacra fames" urged to undertake naval expeditions in search of the Golden Fleece, or commercial wealth. We shall see anon that our friends the Cimbrians or Atlantians of western Europe were still bolder explorers both by sea and land.

To resume the Greek memorials. We are informed that Perseus and Hercules (the mythological representatives of Grecian discovery) both visited Atlas and the regions of the Atlantians, in hope to get possession of the Atlantic islands, inhabited, as they were, by the descendants of Atlas, entitled the Hesperides. By the aid of Atlas, whose name they extended to the vast mountains of Africa, they appear to have been enabled to reach the *Atlantis*, which originally comprehended all the island territories of the Atlantic Ocean. Thus, in modern times, the single word *Australia* includes the huge cluster of islands in the Pacific hemisphere. Even so we imagine the ancient island of Atlantis, so celebrated by Plato, signified the whole island territory of the Atlantians or Cimbrians, comprising Great Britain, Madeira, the Canaries, the Azores, Cape Verd, and last, not least, the north and south Americas.

The discovery of the western portion of Atlantis, or the

Atlantic islands, which Hercules made by the aid of Atlas (that is, the race of Atlas), is most clearly specified by the ancient writers, and needs no explanation. We would only quote the words of Lempriere respecting the Atlantides or Hesperides, the *Insulæ Fortunatæ* and *Beatæ*, those happy islands of the Atlantic, which Homer has honoured by the epithet, "*Insulæ Elysiaë, Campi Elysii*," or Elysian Fields.

"The island of the Atlantides or Hesperides," says Lempriere, "lay beyond Mount Atlas in Africa. This celebrated island contained gardens abounding with fruits of the most delicious kind, and was carefully guarded by a dreadful dragon (the great deep) which never slept. It was one of the labours of Hercules to procure some of the golden apples of the Hesperides. The hero, ignorant of the situation of this celebrated garden, applied to the nymphs in the neighbourhood of the Po for information, and was told, that Nereus, the god of the sea, if properly managed, would direct him in his pursuit. Hercules seized Nereus (the sea) while he was asleep; and the sea-god, unable to escape from his grasp, answered all the questions which he proposed. When Hercules came into Africa, he repaired to Atlas and demanded of him three of the golden apples. Atlas unloaded himself, and placed the burthen of the heavens on the shoulders of Hercules, while he (Atlas, or the race of Atlas), went in quest of the apples (of the Atlantic islands). At his return, Hercules expressed his wish to ease the burthen by putting something on his head: and when Atlas assisted him to remove his inconvenience, Hercules artfully left the burden, and seized the apples, which Atlas had thrown on the ground."

According to other accounts, Hercules gathered the apples himself, without the assistance of Atlas, having previously killed the watchful dragon which kept the tree. These apples were brought to Eurystheus, and afterwards carried back by Minerva into the garden of the Hesperides, as they could be preserved in no other place. Hercules is sometimes represented as gathering the apples, and the dragon which guarded the tree appears bowing down his head, as having received a mortal wound. The monster is supposed to be the offspring of Typhon (the abyss of waters), and it had a hundred heads, and as many voices. The meaning of this fable is too clear to need exposition. It evidently refers to a certain competition between the *Iaones* or Greeks, and the *Gomerians* or *Atlantians*, for the possession of the produce, or golden fruit, of the Atlantic islands: whether we understand that fruit to have been metallic bullion, or, as many have supposed, oranges, pomegranates, &c.

It is highly probable that these Atlantic islands, or the

western portion of Atlantis, which Plato describes as lying beyond the Pillars of Hercules or Straits of Gibraltar, were, in primitive times, of very great magnitude, and occupied much of the intermediate space between Europe and America. Many modern *savans*, who have examined the character of the Azores, the Canaries, &c., have confirmed this opinion. In this case, they would naturally have attracted the great admiration of the ancient world, and have facilitated the navigation of the Atlantians, or Atlantes, to north and south America, forming the main body of that grand island *Atlantis*, which, Plato informs us, was as large as Asia and Europe together.

Such was probably the condition of things when the Grecian deluges of Ogyges and Deucalion, occasioned, perhaps, by the elevation of volcanic islands and the overflow of the Euxine, took place. This vast inundation, which overwhelmed so large a portion of Attica, rushed along the Mediterranean, and bursting through the Columns of Hercules, overflowed large tracts of the Atlantic islands. From hence we may probably trace the tradition, that the whole island Atlantis was swallowed up in a sudden deluge.

By way of confirming this general theory, we shall quote a few words from *Müller's Universal History*. "It was the opinion of Pallas," says this learned writer, "that the Euxine and Caspian seas, as well as the lake Aral and several others, are the remains of an extensive sea which covered a great part of the north of Asia." It has been conjectured that the opening of the Bosphorus was the occasion of the draining of this ocean in the midst of Asia and Europe. The memory of this disruption of the two continents was preserved in the traditions of Greece. It appears that this catastrophe was produced by the operation of volcanoes, the fires of which were still burning in the era of the Argonautic voyage. In consequence, the level of the Mediterranean and Atlantic was for a time greatly changed. The ancient navigators complained that a number of shallows infested the regions of the Atlantic ocean; and there is probably some geographical foundation for this remark. We know that Plato, on the authority of ancient traditions which he obtained from the priests of *Lais* in Egypt, makes mention of a country situated beyond the Pillars of Hercules, which, during a tempestuous night, sank in the deep. The same author notices also a country beyond the Atlantic ocean, and a number of islands which lie near its coast. Moreover, the

tradition of a great continent, fully as large as the old world, was not unknown to Aristotle. It is remarkable, that recent navigators have observed many shallows nearly connected together in a line, stretching from Spain through the Azores towards Newfoundland. It is possible that, after the submersion of this tract of land, which served for the connexion of the two continents, navigation might become excessively difficult, until the overflowed countries gradually sunk to a greater depth, and thus, at the same time, gave occasion to the retiring of the waters from the European coast. It would be too bold to draw an inference from the monument, apparently Punic, which was found some years ago in the forests behind Boston. It is possible that some Tyrians, or Carthaginians, thrown by storms on these unknown coasts, uncertain if ever the same tracts might be again discovered, chose to leave this monument of their adventures. Of their further expeditions there is no trace; nor do we know whether these adventurers returned, or what attraction the marshy feet of the American mountains held out to the avarice of the Phœnicians.

But an author, who has investigated the history of the Atlantians more accurately than Müller, may now be brought forward. We allude to De Lisle de Sales, author of the *Histoire des Atlantes*, or History of the Atlantians. Paris: 1779. This remarkable work (which forms the first portion of the *Histoire nouvelle de tous les Peuples du Monde*, in fifty volumes), throws very considerable light on the subject. This author has proved that the Atlantes (whom we suppose to be identical with the Gomerites or Cimbrians aforesaid), inhabited a great territory, which we may call Cimbria, or Atlantia, extending from Asia into Europe, and thence to the island territory of the Atlantic Ocean, to which Plato has given the name of Atlantis.

As these passages of De Lisle de Sales have never been translated, we shall quote them at large, in order to elucidate our argument.

"We revolt," says he, "against the idea that a single people has overrun successively the circle of the countries near the equator, almost to the poles; that it has spread everywhere, either by itself, or by its colonies; and that it is the germ of reason and of arts; and that this germ, developed at the end of immense intervals, has produced the finished ages of Pericles, Augustus, and Louis the Fourteenth.

"But when we weigh maturely this opinion in the balance of criticism, we find that the idea which would admit several legis-

lating peoples would be still more strange, without being as easy to reconcile with the monuments of history.

"Besides, since the *savant* who has made China an Egyptian colony, spreading the light of sciences into all the intermediate countries,—since the celebrated historian of the Celts has made this nation the stock of the greatest family of the universe, I also may claim a right to make my primitive tree push forth its roots into the two worlds. The historians of the Egyptians and the Celts ought not to have, in starting, more privileges than the historian of the Atlantes.

"There are between the Greeks and the Atlantes four intermediate peoples, who have transmitted the treasure of science almost in its integrity; these are the Chaldeans, the Egyptians, the Chinese, and the Indians. If these peoples possess almost the same character,—if they have adopted nearly the same mythological fables,—if there results from their method of calculating times the same synchronisms,—the problem is solved, and there are not two legislating peoples.

"At first sight, the Egyptian and the three Asiatic nations resemble each other in character. I see everywhere souls without energy, governed by bodies without vigour. Everywhere is breathed the devouring air of despotism: everywhere unstable thrones become the prey of the first conqueror who presents himself, or of the first subject who raises the standard of rebellion.

"I find among these four peoples the same superstitions in connexion with the sublime ideas which ought to hinder them from arising, the same mixture of history with theogony, the same use of the double doctrine (of the two principles of good and evil), the same institutions, and the same hieroglyphics.

"All these people have preserved the history of a great cataclysm or deluge, which had overwhelmed the surface of the globe. I have already spoken of the famous victory of Osiris over Typhon, which designated in Egypt the land dried by the sun after the general inundation, and developing its generating principles. The Chaldeans have a Xixuthrus, and the Chinese a Peyron, who saved themselves from the deluge in a kind of canoe. For the Indians, they say that the sea covered the land more than twenty thousand years ago;—that only one mountain towards the north raised itself above the waves, and that it was to its top that the man and the seven women who reproduced the human race retired.*

"It is an immemorial custom throughout all Asia to give a number of heads and arms to the gods whom they adored, as if they wished to designate by that, to a superstitious commonalty, the

* "The learned but paradoxical author of '*Antiquity Unveiled by its Usages*,' has brought together in his book a great number of proofs of the universality of the belief of peoples concerning this great cataclysm."

multiplied acts of the divine intelligence and power. Such is the Fohi of China, the La of Thibet, the Amida of Japan, and the Sommonocodom of the Siamese. All these uniform branches of Anthropomorphism are derived from one same body of doctrine, which has degenerated.

"The Batta of the Indians, the Tauth of the Egyptians, and even the Mercury Trismegistus of the Greeks, designate the same being, who brought the treasure of sciences into the countries where he was deified.*

"The learned author of the *History of Astronomy* (Bailly) has also found a number of synchronisms which result from the methods of calculating times, employed by the people intermediate between the Atlantes and ourselves.

"How should not the chronologists of Asia have arrived at the same results, since they made use of the same methods, especially of the famous lunisolar period of nineteen years, and of the great astronomical year of six hundred years?

"A fact not less extraordinary perhaps, is the agreement of all the orientals in the measure which they give to the circumference of the earth. The degree which results from it only differs by six toises from that which has been measured by the Academy of Sciences, under the auspices of Louis the Fourteenth.

"Our astonishment redoubles, when we discover that all the measures employed by the ancients to determine this circumference are derived from one uniform measure, founded upon nature. When, in appreciating the Persian parasang, the Egyptian chene, the Indian coss, the Greek stadium, and even the Roman mile, we always find the great cubit of twenty inches and a half preserved upon the nilometer of Cairo,—a cubit which is not in the proportion of the human stature, such as it exists to-day; and which supposes a nation of giants, the institutors of a crowd of degenerate peoples.

"The division of the zodiac into twelve signs was also generally known throughout the East; and this knowledge appears to have preceded our vulgar era by 4,600 years. Thus, here is an interval of more than twelve ages before the political existence of the Chinese, the Assyrians, the Indians, and the most ancient people of Asia; and this period may well have been filled up by an astronomical people.

"I only acknowledge, in the history of men, as in that of nature, those facts which may serve as a basis to belief. Now what facts

* "The judicious Kaempfer goes yet much further, in his '*History of Voyages*,' vol. xl. p. 265; for he pretends that the great divinity of China, India, Japan, Ceylon, Siam, and Pegu, however designated in all these countries, under names which have between themselves no analogy, only represent the same being; whose worship is spread as that American tree which multiplies itself by transforming the extremities of its branches into roots."

have I not brought together upon this primitive people? What a mass of light results from this crowd of rays reunited into the same focus!

"Let us reduce to their trunk all scattered branches of this system.

"There are astronomical monuments of the highest antiquity scattered throughout the globe. These traces of learning, everywhere imprinted, announce an enlightened people, as the figures of geometry imprinted on the sand announced to an ancient that the island on which he landed was inhabited by men.

"The nations among whom have been found the deposits of all this knowledge, made no use of it; therefore, they did not invent it. Assuredly, if the revolution of comets had been discovered in Babylon,—if the true solar system had been invented in India,—these great truths would not have remained sterile in Asia for more than forty ages; and Babylon or Benares would have had their Gas-sini and their Newton, before Europe had made one step in physics.

"These sciences were uniform among all the people of Asia and Africa, who had the madness to think themselves indigenous. We must therefore refer them to some single primitive people, who have successively enlightened the greatest part of the globe by their monuments, their colonies, and their works.

"But which is this Primitive People? Plato will show us at least one part of it; and not to deceive any one, it is not in his Republic that I am going to consult its history.

"The most authentic fact which can be cited in favour of the general tradition concerning the existence of a primitive people, is derived from this famous history of the Atlantis of Plato. As this fragment will ever be the basis of all the systems upon the Atlantis, it is important to transcribe it, were it only to save our readers labour. It is in the excellent *Dialogue of Timæus* that the disciple of Socrates throws out his first ideas concerning the Atlantes.

"'Hear, Socrates,' says he, 'a recital very improbable, and yet very true, if we may believe Solon, the wisest of the seven sages. The people of Sais like the Athenians much, because they believe themselves to be of the same origin; wherefore Solon, in the voyage which he made into Egypt, was received in that city with the greatest distinction.

"'One day, when this great man was conversing with the priests of Sais upon the history of remote times, one of them said to him, 'O Solon, Solon, your Greeks are always children; there is not one among you who is not a novice in the science of antiquity. You are ignorant of the exploits of that generation of heroes of whom you are the feeble posterity. I am going to instruct you in the achievements of your ancestors; and I do so in accordance with the divinity who formed you, as well as us, of earth and fire.

"'All that has passed in the Egyptian monarchy for eight thousand years is recorded in our sacred books; but what I am going

to tell you concerning your primitive laws, manners, and the revolutions of your country, goes back nine thousand years.

“ ‘Our calendars relate that your republic resisted the efforts of a great power, which, coming out of the Atlantic sea, had unjustly invaded Europe and Asia,—for then that sea was fordable. Upon its borders was an island, opposite to the opening which you call, in your language, the columns of Hercules. This island was more extensive than Lybia and Asia put together. From thence voyagers might pass to other islands, whence it was easy for them to cross over to the continent.

“ ‘In this Atlantis there were kings whose power was formidable. It extended over this island, as well as over the adjacent islands, and over a part of the continent. Besides that, they reigned on one side over all the countries bordering Lybia, even unto Egypt; and on the side of Europe, even to Tyrrenia. The sovereigns of the Atlantis, proud of so much power, attempted to subjugate your country and ours. Then, O Solon, your republic showed itself superior to the rest of the world, by its courage and virtue. It triumphed over the Atlantes, and preserved us all from servitude. But in the last times there ensued earthquakes and inundations; then all your warriors were swallowed up in the earth in the space of twenty-four hours, and the Atlantis disappeared. Since that catastrophe, the sea which is found in that quarter is no longer navigable, on account of the mud which is formed there, and which arises from the submerged island.’

“ ‘Thus speaks the Egyptian priest in the *Timæus* of Plato. The philosopher, that he might conclusively convince us that there is in his recital neither fiction nor allegory, returns to his Atlantis in his dialogue of Critias, of which some details follow. But it must here be observed, that it is a Greek who speaks, and not a priest of Sais. This will furnish us with a key to some apparent contradictions in the geography of the Atlantes.

“ ‘Let us call to mind that an interval of nine thousand years has elapsed since the epoch of the rupture between the peoples who inhabit beyond the columns of Hercules, and those dwelling on this side. These last had transferred the supreme power to our republic, and it was upon her that rested the whole burden of the war. The others were governed by the kings of the Atlantes.

“ ‘I now come to the exposition of facts, provided, however, my memory does not deceive me upon the details which I only heard in my very early youth. If we are astonished to hear foreigners called by Greek names, I answer that Solon, in ascending to the sources of etymology, having found that the Egyptians, the first authors of this recital, had translated these names into their language, believed he might in his turn take the literal sense of each, and translate it anew into the idiom of his own country.

“ ‘The gods divided among them the earth. The Atlantis was

the portion of Neptune ; he married a mortal woman, and gave an inheritance in his new empire to the children issuing from this marriage. Towards the centre of the island was a little mountain, inhabited by one of those men who they say were born from the bosom of the earth. Evenor was his name ; his wife was called Leucippe, and their only daughter Clito, who, as I have said, is the mortal who had the honour of being associated to the couch of Neptune. This god threw up several entrenchments round this hill of Evenor, to render this retreat inaccessible to men. For navigation was then utterly unknown, and it is there that he brought up the five couple of male and female infants of whom he had become the father. When they were of the age of discretion, he divided the Atlantis into ten parts. Atlas, the eldest son, had the best domain. They gave to him the title of king, and his brothers contented themselves with that of archons.

“The twin brother of Atlas, called in Greek Eumelus, and Gadir in the language of the Atlantis, was the archon of that extremity of the island which is situate opposite the columns of Hercules, and gave to it his name.

“All these sons of Neptune, as well as their descendants, reigned for a long time in the Atlantis. Their empire extended itself over other islands situate along the sea, and finally increased to such a degree as to embrace all the countries situated between Tyrrhenia and Egypt.*

“The family of Atlas was that which arrived at the greatest degree of glory. It amassed riches such as probably no sovereign will ever amass again in the course of ages. Besides, the island furnished in abundance all that is necessary to life. There were mines of orichalque, a metal which is known at present only by name, and which does not yield in value but to gold. The earth nourished a crowd of animals, domestic as well as wild, and even elephants were seen there.

“The inhabitants of Atlantis knew how to construct temples, palaces, and ports. The temple of Neptune, covered over with a covering of gold, was one stadium in length, and three plethras in width. Its height was proportioned to its extent ; but its architecture was of a singular character. They had represented in the sanctuary Neptune standing erect upon a chariot, harnessed with six-winged horses, of such a stature, that the figure touched the vault of the edifice. Around the chariot were a hundred Nereids seated on dolphins. Upon the outer wall appeared the portraits of the kings and queens of the Atlantis, in wrought gold.

“One might discover within the circumference of one royal

* “If Neptune answers to Japhet, by whose descendants the isles of the Gentiles were divided, these passages may elucidate the early fulfilment of the promise, ‘God shall enlarge Japhet, and Canaan shall be his servant,’ &c.”

house a circular hippodrome of one stadium in diameter, where were executed the manœuvres of the cavalry.

“Round the principal city there was a little plain encircled by mountains, from whence there was a gentle and easy slope to the sea. All the length of the island, from one extremity to the other, was 3,000 stadia. But the main measure from the sea to the high ground, was 2,000 stadia. The whole territory of the isle extended itself towards the South. Its figure, a pretty regular parallelogram.

“The archons reigned each in his district, and had the power of life and death. They assembled together every five or six years, and regulated among themselves the general affairs of the island. They were, during a number of generations, just, powerful, and happy. At length, luxury introduced depravity of manners and despotism. Jupiter in his wrath resolved to punish the crimes of the Atlantis; he convoked the immortals to the centre of the universe, from whence he looks down upon all generations. When they were assembled’.....

“The rest of the dialogue is lost.

“Such is the base upon which reposes the history of at least one colony of the Atlantes. It is difficult to weaken the authority of such a text, without overthrowing at the same time all the historical monuments upon which is founded the belief of the universe.

“Plato gives notice himself that his Atlantis is not a fiction. ‘Hear,’ says he, ‘O Socrates, a recital very improbable, and yet very true.’ This is not the style of a philosopher who composes apologues. He tries to render his tale probable, and he takes care not to say that it is not so. We may judge of this by the fable of Crantor, by the picture of Cebes, and by the history of the Troglodites.

“The *Timæus*, wherein the history of the Atlantis is found, is not an epic poem; it is a dialogue after the manner of Socrates, in which it is proposed to give the theory of the soul, to make men acquainted with a rewarding and avenging Divinity, and to destroy the blasphemy of atheists against providence.

“All these sublime objects do not belong to fiction. The history of the Atlantis, which opens the dialogue, seems well-connected with the foundation of the work. This description of the vicissitudes which have changed so many times the face of the globe—this people happy as long as it was just, and whom the gods annihilated when it ceased to be so—prepares for the great truths which the philosopher is about to announce to men. Here is no need of astonishing the multitude by illusions; error of this kind is only adapted for the barbarous legislator who wishes to deceive his victims, and not to the philosopher, who comes to bring to unfortunate beings the last good which could be torn from them—God and immortality.

"Let us observe that Plato spoke in the finest age of Greece, and to the most enlightened of men. He conversed with them on the wars in which their ancestors had distinguished themselves, and of the catastrophes they had undergone. Athens, Egypt—the whole world—would without doubt have contradicted him if he had altered the antique tradition concerning the Atlantis.

"An historical record of the primitive people, made to leave a profound trace in the memory of men, is not out of place at the head of a work destined to propagate the worship of God and virtue. In reality, there is nothing more wonderful in this story of Atlantis, than in that of Herculaneum, buried under the lava of Vesuvius, or the description of the disaster at Lisbon. And we perceive how easy it would have been to a Tacitus and a Buffon, if they had wished to compose *Timæuses*, to introduce into them the pathetic picture of those revolutions of the globe which had happened in their times. In general, fables are very insipid in the beginning of a work consecrated to establish the eternal truths of nature.

"Besides, Plato is not the only writer who speaks of the Atlantis. Homer and Sanconiathon also made mention of them. They existed a long time before the disciple of Socrates, and he has only perpetuated the chain of a tradition which seems to march over ages ere it arrives at posterity.

"Perhaps the Ogygia of Plutarch is the Atlantis of Plato; for this philosopher has delineated the map of it with as much precision as our Buache and our Danville would delineate that of a country which they had measured by the instruments of trigonometry.

"But the philosopher of Cheronœa failing us, I shall cite Diodorus of Sicily, who has devoted some chapters of his universal history in painting the manners and exploits of the Atlantis. When poets, philosophers and historians thus agree in supporting a fact, a critic must have a double portion of argument who expects to overturn it.

"A great number of *savans* have crossed the seas upon the faith of Plato, to go in search of the Atlantis. But in reading attentively the journals of their navigation, I perceive that none of them have had the happiness to land upon the desired island, because none of them had taken the trouble to sail in the right track.

"All have started upon a system they adopted of commenting upon Plato before they had studied Plato, who would have shown them the nothingness of their systems.

"Some have crossed the tropics and taken the shoals of a troubled sea for the country of the primitive people. Others have approached the pole, and have mistaken for the land which they sought the fogs of the region of ice.

"Amidst the multitude of writers who have gone astray in their

researches, I shall speak only of those whose conjectures have made an epoch. Yet I do it with repugnance. I do not wish to lose, in combating the enemy's vessels, the time I might better employ in reconnoitring the coasts of my own island.

"A religious *savant* (and religion and learning are not incompatible) by dint of studying the Bible and Plato, has thought to reconcile them by placing the Atlantis in Palestine.* But this opinion, notwithstanding the display of research and ingenuity which sustains it, does more honour to the piety of its author, than to his logic.

"Palestine is not an island, and as this country does not contain within its bosom mountains elevated enough to have predominated over the surface of the ocean before its retreat, it is probable that it never has been an island.

"There can only be an arbitrary connexion of words between the genealogy of the children of Jacob, such as it is in the Pentateuch, and that of the Atlantis, as it is given in Plato and Diodorus.

"To seek to reconcile the mythology of Greece, Egypt, and Phœnicia with the Jewish annals, is perhaps to degrade the Pentateuch, which ought ever to be for the people of Europe the purest source of history.

"Now Palestine has not been submerged as Plato declares of his Atlantis. Jerusalem is still under the Musulmen, and the posterity of Abraham indulges the expectation of making it one day the capital of the two worlds."

M. Bailly, the celebrated author of the *History of Astronomy*, has placed the Atlantis of Plato in the regions of north-eastern Asia, and argued that the Atlantes were the ancient Thibetians, or Tartars. Notwithstanding the ingenuity with which he has supported this singular paradox, it is now almost universally exploded.

A more rational theory was started by Alaus Rudbeck, of Upsal. He admits that the Atlantes were the same as the Cimbrians, or the descendants of Gomer son of Japheth; but, unhappily, he confines this universal family of Atlantes or Cimbrians, who pervaded the whole of Europe, to his own particular country. With this idea he compiled his celebrated treatise, entitled *Atlantica sive Manheim vera Japheti posterorum sedes ac patria*. This enormous and painful composition, in four volumes folio, endeavours to prove with infinite re-

* "See the historical and critical Essay upon the Atlantis by F. C. Baer. It appears that the author of this system had met with Eurenus, who published his '*Atlantica Orientalis*' in 1754. The two works start from the same principle and present the same results."

search, that Sweden, the author's native land, was the Atlantis of Plato. Rudbeck tries to evince that all the gods of mythology, and all the heroes of Asia and Europe, derived their origin from Sweden. He flattered himself that he had discovered in Upsal the capital of the ancient monarchs of Atlantis. No doubt the Swedes would have erected a monument to the doctor, had they not suspected that Charles XII, who loved no systems but those of war, would have overturned it.

Pezron, in his *Antiquities of Nations*, supposes the Celts (who were one family of the Atlantes, or Cimbrians) to have been the inhabitants of the Atlantis, and to have filled all Europe with lights and letters. His theory is not far from the truth, but it is too partial to reconcile the difficulties of history.

Others have maintained the identity of the Ogygia of Plutarch and the Atlantis of Plato. Diodorus Siculus, say they, informs us that the Titans were a race of Atlantians. One of these Titans was Gyges, a famous giant. Now Oga, in northern languages, signified isle; therefore Ogygia is the isle of Gyges: and the submersion of the Atlantis, described by Plato, is evidently to be referred to the famous deluge of Ogyges. It is in a philosophical essay on the moon that Plutarch has related the fable of Ogygia. "This island," says he, "is distant from Britain about five days voyage, sailing westward; there are three others which are about the same distance from each other. In one of these islands the barbarians pretend that Saturn was imprisoned by Jupiter. The great continent which encompasses this ocean is five thousand stadia remote from these islands; yet they are reached by oared vessels. This ocean is everywhere very dangerous to voyagers, on account of shoals and shallows shifted by currents. There is a tradition that it was once frozen. The shores of the continent are inhabited, especially those of a vast bay as extensive as the Palus Mæotides, the mouth of which is over against the Caspian Sea." Such are the words of Plutarch respecting the island of Ogygia. Whether he refers to the same place as the Ogygia mentioned by Homer, is a great question among the critics.

Tournefort, in the beginning of the eighteenth century, enlarged on these ideas. He sailed between the mountains of Calpe and Abyla, which form the columns of Hercules or the Straits of Gibraltar. From thence he extended his voyage into the Atlantic, and flattered himself that he had discovered

in the little archipelago of the Canaries the remains of an ancient continent submerged. He goes so far as to explain this submersion by the rupture of the ancient isthmus of Gibraltar, caused by a violent overflow of the Mediterranean. "Perhaps," says Tournefort, "the terrible irruption of the Mediterranean into the Atlantic, submerged and overwhelmed that famous island Atlantis, which Plato and Diodorus describe. The islands Canaries, Azores, and America, are perhaps the remnants of it." (*Les isles, Canaries, les Azores et l'Amérique en sont peut-être les restes.*)

The speculative author of the *Essai sur la population d'Amerique*, carried his conjectures still further. He supposes that Plato's Atlantis was a vast island that once formed a connecting link between Europe and America. "Dans les commencemens," says he, "cette Atlantide était jointe aux deux continens; ainsi les Celtes y ont passé et y ont laissé quelques mots de leur langue pour monument de leur passage." Thus he concludes that the Atlantes peopled America by the family of the Celts.

But the most direct and positive testimony we find to the theory, that Plato's Atlantis extended to America, and included in its wide signification the American territories, is Moreri. His words are so much to the point that we translate them from his dictionary.

"It would appear," says he, "that the Phœnicians and Carthaginians had some knowledge of America, but that the length and peril of the voyage, the tempestuousness of the Atlantic Ocean, and the insignificance of their experience in navigation, induced them to abandon, or at least to neglect, such enterprises. It would seem as if Seneca, by a kind of prophetic spirit, had predicted the discoveries of the fourteenth and fifteenth centuries; or rather his philosophical knowledge of the secrets of nature and history induced him to consider it as very possible, that men would again discover the vast country which had been already known to the Phœnicians and Carthaginians. In his tragedy of *Medea* he thus expresses himself:—

" 'Venient annis sæcula seris
Quibus Oceanus vincula rerum
Laxet, et ingens pateat tellus
Tethysque novos detegat orbes,
Nec sit terris ultima Thule.'

" 'Years will come in future ages
When Ocean shall loose the chains of events,
And a vast territory shall be laid open,
And Tethys shall discover new worlds,
And Thule no longer be the boundary of the earth.'

"In order to be convinced," continues Moreri, "that America was not absolutely unknown to the ancients, it is enough to consult them. Plato, in his *Timæus*, introduces Egyptian priests, who inform Solon that formerly beyond the Columns of Hercules, or the Straits of Gibraltar, there was a vast island named Atlantis, larger than Asia and Lybia, or Africa, and that it was submerged during a terrible earthquake, and an extraordinary rain which lasted a day and a night. He then speaks of the kings that had governed it, their power and their conquests. Crantor, who first interpreted Plato, assures us that this historical notice is true; and Origen, Porphyry, Proclus, and Marcilius Ficinus, have supported the same opinion. Proclus even quotes an Ethiopian historian, named Marcellus, who wrote the same account. Ficinus justly remarks that while Plato gives as fables, all his own inventions, he introduces this recital concerning the Atlantis with the most serious ceremony, as extremely important and admirable. The old editions of Tertullian appeared to throw doubt on this history, but the passages referred to have been so well restored by Turnebus, and so learnedly expounded by Pamelius, that we can no longer use the testimony of this father against the doctrine of Plato. Besides all this, Diodorus Siculus affirms that certain Phœnicians having passed the Columns of Hercules, were carried by furious tempests to lands far away in the Atlantic Ocean, and that they found a very fertile island opposite Africa, watered by great navigable rivers. If we consider the situation of this island, it was most probably America itself. He adds that the Carthaginians endeavoured to keep the knowledge of this country from the Europeans. The author of the book on the world, which the learned have attributed to Aristotle, or his disciple Theophrastus, likewise assures us, that beside the great island of the Old World, containing Asia, Africa, and Europe, there are yet others, by which we understand him to allude to America. Pliny and Arnobius likewise refer to those lands which Plato describes as submerged. Many modern scholars have embraced the same opinion."

So far Moreri.

Such are the testimonies on which we build our theory respecting the very ancient discovery and population of America. This mass of traditions, so diversified yet so consistent,—derived from such different sources, yet all bearing on the same point,—seems to establish something more than a probability in the affirmative. They convince us that the Phœnicians, Egyptians, and Greeks, were acquainted from the remotest times with Atlantic islands, peopled by Atlantians or Cimbrians, and that these islands comprehended the Americas. It is very remarkable that the words of Plato respecting the political aggrandisement of the Atlantians, in

their Atlantis, correspond with the traditions of the ancient Peruvians and Mexicans, concerning their origin and antiquities. We have no leisure to enter into a comparative analysis of these traditions, but they will be found to confirm and explain the classical memorials in several curious particulars.

It is almost superfluous to remark that if the vast island of Atlantis, which was as large as Asia and Africa—if the grand empire of the ancient Atlantians existed at all—it most probably perpetuated its existence through future ages. Whatever might have been the amount of the inundation recorded by Plato, it seems most unlikely that it could have overwhelmed the whole of so large a territory as that of Atlantis. In all verisimilitude, a considerable proportion of the Atlantian population must have survived the catastrophe. Many of the ancient traditions distinctly imply that the Atlantian race had not entirely perished; and if the Phœnicians gave out a report of their utter annihilation, we well know the reason of their fabricated falsehood. It is explained by the words of the historian before quoted; who tells us that the Phœnicians wished to keep a profitable commerce with the Atlantians to themselves, and endeavoured to conceal their discoveries from the Europeans.

In passing on to a further stage of the investigation, we are assured by Huet and Purchass, that the Christian fathers entertained the same idea of the primitive discoveries of America. As some essential truth forms the basis of most fables, we shall not hesitate to quote the account of St. Brendan recorded by Stillingfleet, in his *Enquiry into the Miracles of the Roman Church*.*

“It is important,” says he, “to notice the seven years’ voyage of St. Brendan in quest of Paradise (or the Elysian Islands), which, in all respects, was the most extraordinary ever made on sea. I shall briefly relate it out of Colganus Capgrave and John à Bosco. St. Berinthus coming to visit St. Brendan, was desired by him to tell what wonders he had lately seen in the sea. Then St. Berinthus related how his disciple Mernoc had found an island near a great rock, called *the delightful island*, whither he had drawn many monks. St. Brendan was so struck with admiration at this pleasant story, that he fell upon his face and praised God for the great discoveries he had made to his people. Forthwith St. Brendan resolves on a voyage thither, and out of three thousand monks

* We look in vain for any account of St. Brendan and St. Berinthus in Alban Butler’s Lives.

makes choice of fourteen to go with him. After this they prepared a small vessel for themselves; very light the vessel was, and covered over with tanned hides, greasing all the seams with butter. Having taken in provision for forty days, they set sail, and had a good gale for fifteen days; then they tugged at their oars till they were all weary, which St. Brendan observing bade them hoist their sails, and let God drive them whither he pleased. After forty days their provision was quite spent, and then they espied a high rocky island, in which after three days they went ashore. Being refreshed here they put to sea again, and came to another island, and after that to one called the *Paradise of Birds*; and for three months after saw nothing but sea. Many other islands they came at with great variety of accidents, too many to be described; as their meeting with a great whale that cast fire and water out of his mouth, which St. Brendan killed by his prayers, and gave them a third part of him to eat; which I suppose, by the fire and water that came out of him, they believed to be pretty well sodden already," &c.

Further discoveries of America, in succeeding ages, would seem to have been made by that branch of the Gomerites, Cimbrians, or Atlantians, which peopled Britain. There are many traditions of this fact still remaining untranslated in the Basque, Welsh, Gaelic, and Erse languages. Those that have stolen forth from their undeserved sequestration, have been cited by Dr. Southey in his notes to the beautiful poem of *Madoc*, founded on these very traditions. We should not be doing justice to our argument respecting the successive discoveries of America, by the Atlantian, Cimbrian, or Celtic races, were we not to quote Dr. Southey's words:—

"Gavran," says he, "was a chieftain of distinguished celebrity, in the latter part of the fifth century. The family of Gavran obtained that title by accompanying him to sea to discover some islands, which, by a traditionary memorial, were known by the name of Gwerdonan Llion, or the Green Islands of the Ocean. *This event, the voyage of Merddin Emrys with the twelve bards, and the expedition of Madoc, were called the three losses by disappearance* (Cambrian Biography).

"Of these islands, or green spots of the floods, there are some singular superstitions. They are the abodes of the Fylwyth Teg, or the Fair Family, and the souls of the virtuous Druids, who, not having been Christians, cannot enter the Christian heaven, but enjoy a heaven of their own. They, however, discover a love of mischief neither becoming happy spirits nor consistent with their original character; for they love to visit the earth, and seizing a man, enquire whether he will travel above-wind, mid-wind, or below-wind. Above-wind is a giddy and terrible passage, below-wind is through bush and brake, the middle is a safe course. But

the spell of security is to catch hold of the grass, for these beings have no power to destroy a blade of grass. In their better moods they come over and carry the Welsh in their boats. He who visits these islands imagines, on his return, that he has been absent only a few hours, when in truth whole centuries have passed away.

"If you take a turf from St. David's church-yard, and stand upon it on the sea shore, you behold these islands. A man once, who had thus obtained the sight of them, immediately put to sea to find them; but they disappeared, and his search was in vain. He returned, looked at them again from the enchanted turf, again set sail, and failed again. A third time, he took the turf into his vessel, and stood upon it till he reached them.

"The inhabitants of Arran More, the largest of the south isles of Arran, on the coast of Galway, are persuaded that in a clear day they can see Hy Brasail, "the enchanted island," from the coast, the Paradise of the pagan Irish. (*Beauford's Ancient Topography of Ireland.*)

"General Vallancy relates a different history of this superstition. 'The old Irish,' says he, 'assert that great part of Ireland was swallowed up by the sea, and that the sunken part often rises, and is frequently to be seen on the horizon from the northern coast. On the north-west of the island they call this enchanted country Tyr Hudi, or the city of Hud; believing that the city stands there which once possessed all the riches of the world, and that its key lies buried under some druidical monument.'

"This enchanted country is called O Breasil, or O Brasil, which, according to General Vallancy's interpretation, signifies the Royal Island. He says it is evidently the lost city of Arabian story, visited by their fabulous prophet Hond, the city and paradise of Irem. He compares this tradition with the remark of Whitehurst on the Giants' Causeway, and suspects *that it refers to the lost Atlantis*, which Whitehurst thinks existed there.

"In his crystal ark,

Thither sailed Merlin with his band of bards,—

Old Merlin master of the mystic lore!

"The name of Merlin, or Merddin, has been canonized by Ariosto and our diviner Spenser. He was the bard of Emrys Wledig, the Ambrosius of Saxon history, by whose command he erected Stonehenge. The Welsh traditions say that Merddin made a house of glass, in which he went to sea, accompanied by nine bards, and was never heard of more. This was the second of the three disappearances from the isle of Britain, by adventurers in search of Flathinnis.

"It is said that Flathinnis, the noble island, lies, surrounded with tempests, in the Western Ocean. But I fear (says Dr. Southey) the account of this paradise is but apocryphal, as it rests on the evidence of Mac Pherson. (*Vide Mac Pherson's History of Britain.*)

"Respecting the third expedition, namely that of Madoc in search of the Atlantic and American territories, it stands on more satisfactory evidence. Strong evidence (says Dr. Southey) has been adduced that Madoc reached America in the twelfth century; and that his posterity exist there to this day, on the southern branches of the Missouri, retaining their complexion, their language, and in some degree their arts."

Such are the testimonies cited by the author of *Madoc*, and on them he has constructed one of the most learned and interesting of modern poems. To this admirable work we would refer the curious and critical reader for much miscellaneous information connected with the subject, and numerous references that will considerably facilitate his investigation. Perhaps the early traces of Christianity in America are due to these Cimbric adventurers.

But there were other races or tribes of the Gomerites, Cimbrians, or Atlantians, still more successful, in subsequent periods, in their discoveries of the Atlantic islands and America. We allude to the Northmen, as they were called, scattered along the north-western coast of Europe. These hardy, resolute, and unflinching adventurers, who relied on the traditions of their ancestors respecting the Atlantic territories, boldly put to sea in quest of the *Terra incognita*. Several of their most heroic chiefs would seem to have made these desperate voyages of discovery, and indubitable records exist of their successful result. Ortelius stated these facts in the year 1570; and early in the seventeenth century Myl and Hugo Grotius illustrated this theory. After showing that successive races had found their way to America from several countries of the old world, they proceeded to prove that the Northmen were entitled to especial credit for their Atlantic discoveries. The opinion of Grotius (as his biographer Burigni remarks) is that North America was peopled by persons from Norway, from whence they passed into Iceland, afterwards into Greenland, from thence to Friesland, then to Estoteland—a part of the American continent to which the fishers of Friesland had penetrated two centuries before the Spaniards discovered the New World. He pretends that the names of those countries end with the same syllables as those of the Norwegians; that the Mexicans and their neighbours assured the Spaniards that they came from the North; that there are many words in the American languages which have a relation to the German and Norwegian, and that the Americans still preserve the customs of the country from which they originally sprung.

This work of Grotius was answered by Laet of Antwerp, in a treatise under this title: *Joannis de Laët Antwerpiani Notæ ad dissertationem Hugonis Grotii de origine gentium Americarum, et observationes aliquot ad meliorem indaginem difficillimæ illius questionis*: 1743. Such was the title of Laet's work, and though he has shown the erroneousness of many of the arguments and facts brought forward by Grotius, the grand theory respecting the discoveries of the Northmen remains sound and unrefuted.

Grotius, in this work, asserts that many traces of Christianity were to be found in America before the discovery of the Spaniards; Laet, however, denies the fact, and endeavours to support his confutation by the aid of Spanish writers.

This theory respecting the American discoveries of the Northmen, or Norsemen, was confirmed and verified by many subsequent writers, and was pretty well established during the eighteenth century. To corroborate this assertion we need only quote a passage in the *Cyclopædia Britannica*, and a recent article of great merit in the *Foreign Quarterly*, on this subject.

"The early discovery of America by the Northmen," says the reviewer, "is not now made known for the first time, but the evidence on which it rests has never hitherto been published in a simple and satisfactory manner. As early as 1570, Ortelius claimed for them the merit of being the first discoverers of the New World. But in so doing he singularly illustrated the caprice and irregularity which so often marks the progress of opinion. Blind to the real merit of these discoverers, he advanced their claims on wrong grounds; and misled by the account of the voyages of Zeni, which we now know to be for the most part a fabrication, he supposed that America had been discovered by the Northmen whom the Venetians accompanied in the fourteenth century, and confidently asserted that no further praise was due to Columbus than that of originating a stable and useful intercourse with the transatlantic continent.

"Myl and Grotius followed on the same side, and established their leading argument, notwithstanding the cavils of Laet, published in 1643. A correct account of the early discoveries of the Scandinavians in the west was given by Torfæus, in his *Historia Vinlandiæ Antiquæ*, published in 1705, and in his *Gronlandia Antiqua*, which appeared in the following year. But these works soon became too scarce to forward the ends of their publication, and have been long reckoned, even in the north, among the choicest bibliographical rarities. The writings of Suhm, and Schouning, Lindeborg, and Schröder, in which similar information is to be obtained, being in the northern languages, and, in many instances,

only to be found in periodical publications, never enjoyed an extensive European circulation. John Reinhold Foster, in his *History of Voyages and Discoveries in the North*, and some other writers chiefly following in his steps, and familiar to the English reader, have asserted the discovery of America by the Northmen. The only mode of convincing the literary world of a fact, is to publish the documents which prove it. This task was undertaken in the present instance by M. Rafn alone, and he had advanced halfway towards the completion of his work, when the Royal Society of Northern Antiquaries, of which he is the secretary, resolved to take the publication of it off his hands, and the result is the handsome volume which stands at the head of this article. Its typographical execution is every way worthy of the care and industry bestowed on it by M. Rafn and his coadjutors. We have here the original Icelandic text, accompanied by translations in Danish and Latin. In this part of his task the editor has had the invaluable assistance of the learned Icelanders, Fin Magnussen and Sveinbiorn Egilsson. He has himself added copious notes, with geographical and historical disquisitions."

We have no leisure to follow Mr. Rafn, or his reviewer, through the details of this voyage of discovery, or to trace the successive visits which the Northmen paid to Vinland, whether it be Greenland, or Newfoundland, New England, &c. We shall, however, avail ourselves of the concluding remarks of the critic in the *Foreign Quarterly*.

"The discovery of Vinland," says he, "was not made in an obscure age. It may have been preceded by many remarkable voyages in the west; and we do not venture to deny positively that the stories of the Limerick merchants, respecting the Northmen carried to Great Iceland and the Whiteman's Land, may have had their foundation in some very early transatlantic discoveries. But, confining our attention to what is strictly matter of history, we may remark that the discovery of Vinland was made contemporaneously with the first colonization of Greenland, and the establishment of Christianity in that country and Iceland, and consequently belonged to one of the most interesting periods in the annals of the north."

"The discovery of Vinland was immediately made known in Norway; and in the latter half of the eleventh century, Adam of Bremen heard it from Swein, king of Denmark. 'This discovery,' he emphatically observes, 'is not a fable, but we know it from the certain information of the Danes.'

"There are some curious fragments of ancient Icelandic geographers inserted in the collection. They agree in informing us that Markland and Vinland were to the south of Greenland; and what is very remarkable, that Vinland, the most remote country known to them in that quarter, was supposed to join Africa. When the Ice-

landic geographers tell us that Vinland was supposed to join Africa, they in reality make us acquainted with two facts : first, that it was situated a long way south of Greenland ; and that, secondly, nothing was known of the extent of its shores."

"Columbus," says this talented reviewer in his concluding passage, "visited Iceland in 1567 ; and, from his general appetite of knowledge, it cannot be doubted that he heard of the early voyages of the Northmen, and their discovery of Vinland. What could be more to his purpose, or better adapted to his views, than the fact that the Northmen, the boldest of navigators, had knowledge of a land in the west, which they supposed to extend far southwards till it met Africa? Or could not the intelligent Genoese find some suggestion in the following more accurate statement of an Icelandic geographer? '*On the west of the great sea of Spain, which some call Ginnugagap, and leaning somewhat towards the north, the first land which occurs is the good Vinland.*' It would add little to the merit of Columbus to maintain that he was incapable of benefitting by so good a hint."

We hope we have now made out our point, namely, the high probability of those successive discoveries of America reported in the pages of history. We have not attempted to evince this point by any original arguments which might appear as dreams of imagination, but by the concentration, accumulation and orderly arrangement of the whole existing evidence bearing on the topic. The strength of the reasoning is essentially cumulative ; it results from the incorporation of the "*disjecta membra veritatis.*" Many ancient testimonies, which, taken separately, might want weight and impressiveness, thus joined together in a consistent mass, become almost invincible. The whole result of probability redounds to the confirmation of each particular count of the plea, and moral conviction is enhanced by a law of increments similar to that of geometrical progressions. We leave it to the reader who has followed us through this long succession of facts and deductions, all harmonizing together, notwithstanding the remoteness of their derivation, whether our case is not established.

Now the main part of this evidence, so consistent, yet so diversified, was extant in the age of Columbus, a most keen and scrutinizing inquirer into geographical questions. Indeed, we have reason to believe that some evidences of American discoveries existed in that day among his fellow-countrymen, which are now lost. What would be the natural result on such a mind but a fixed conviction, not merely derived *à priori* from the physical principles of our planet,

but likewise *à posteriori* from the consent of historical evidences, of the existence of America?

If then we have established our case relative to the ante-Columbusian discoverers of America, we come to regard Columbus himself in a new light. We may not admire him so much as an original discoverer, but as one who repeated and established the accredited discoveries of his predecessors in a most heroic and glorious style of experiment. Thus was the ancient Syrian and Pythagorean system of astronomy revived, restored and developed by Copernicus and Newton. Their immense merit consisted in the examination, accumulation and demonstration of antique theories, that had been well-nigh consigned to oblivion.

And this, in our estimation, requires a loftier and wider range of intellectual science than original discovery itself. Original discovery, as it is called, is often the result of chance, accident, the spirit of contradiction, and even the rashness of desperation. Original discoveries are often struck out in an instant, to the astonishment of their inventors, who had no anticipation of them. Not so with the profound truth-searcher, who, knowing that what is true is not new, and that what is new is not true, searches back through the recondite annals of our planets for the golden links of the sole philosophy. For this man, what perseverance is required, what subtlety, what fine perception of analogies, what a critical analysis of all the elements which constitute probability!

Such men, if not original discoverers, are discoverers of a still higher order. They lay hold of the neglected germ which original discovery had flung on the harsh rocks of incredulity, and develope it into an august and glorious system of demonstrated verity. They seize the little spark of Promethean fire which was just about to perish in the fogs of forgetfulness, and by it they rekindle the universe into a blaze of exulting hope.

If therefore we admire Columbus less as the hardy adventurer (who, with a dogged and desperate resolution, hoping against hope, launched forth on the Atlantic to discover he knew not what), we reverence him more than ever as the keen-sighted and philosophic truth-searcher, who, from the accumulated testimony of ages, in the haughty independence of conscious genius, moulded a most refined yet demonstrable theory of geographical facts. His mind, when he set sail from Europe, was impressed with the same weight of histori-

cal evidences as that we have laid before our readers, and his deduction from them was not less pointed and forceable than that we may now arrive at.

We have now fairly brought our investigation up to the period of Columbus's discovery, when the ordinary histories of America commence. Many further proofs of our theory might be derived from a critical examination of the characters of the nations and languages subsisting in America in the sixteenth and seventeenth centuries. As it is impossible, however, to do justice to this branch of the subject in our contracted limits, we must postpone it altogether to a more suitable occasion.

The preceding argument is mainly confirmed by Mr. Beamish's excellent treatise cited at the head of this article. This opportune publication does much credit to its author's antiquarian judgment and scholastic ability. We cannot better introduce it to the notice of our readers, so as to give them a just idea of its style and contents, than by quoting a portion of the author's preface, and letting him tell his own tale.

"My design (says Mr. Beamish) is to put before the public, in a cheap and compendious form, those parts of Professor Rafn's work which I consider most likely to prove interesting to British readers, the greater part of whom, from the extent and language of the original publication, must necessarily be debarred from its perusal. The translations of the Sagas, and other Icelandic manuscripts, which embrace the whole detail of the discoveries and settlements in America, are made substantially from the Danish version, of the correctness of which, coming from the pen of the learned editor, there can be no doubt. But, in some cases, where the style of this version appeared to the translator to depart too much from the quaint and simple phraseology of the original, the Icelandic text has been specially referred to, and an effort has been made throughout to give to the English narrative the homely and unpretending character of the Icelandic Saga. In all cases where it was thought possible that doubts might arise, or where it was considered necessary to impress some particular fact or statement on the mind of the reader, the original Icelandic word or expression is given; and free use has been made of the copious and lucid notes and commentaries of the learned editor, to explain and illustrate the various etymological, historical, and geographical points which call for observation. As an appropriate introduction to the whole, is prefixed a sketch of the rise, eminence, and extinction of Icelandic historical literature, founded upon the able Danish essay of Dr. Erasmus Muller, bishop of Zealand.

"The eminent historian Dr. Robertson, appears to have been

totally unacquainted with the early voyages of the Northmen to the western hemisphere ; and hence it is presumed, that the present summary of their discoveries may be received as an acceptable introduction to his celebrated *History of America*.

"The incidental allusions to the voyages and settlements of the Irish, which are contained in the minor narratives, are more likely to excite than satisfy enquiry. Much still remains to be unravelled in this interesting topic, and it is to be regretted that no competent hands have yet been applied to this neglected portion of Irish history. It has been too much the practice to decry as fabulous, all statements claiming for the earlier inhabitants of Ireland a comparatively high degree of advancement and civilization. And, notwithstanding the many valuable publications connected with the history and antiquities of that country, which have from time to time come forth, and the more recent candid, learned, and eloquent production of Mr. Moore, there are not wanting, even among her sons, those who, with the anti-Irish feeling of the bigoted Cambrensis, would sink Ireland in the scale of national distinction, and deny her claims to that early eminence in religion, learning, and the arts, which unquestionable records so fully testify ; and yet a very little unprejudiced enquiry will be sufficient to satisfy the candid mind, that Erin had good claims to be called the school of the west, and her sons—

‘ Inclyta gens hominum, milite, pace, fide.’

"Thus much, at least, will the following pages clearly show, that sixty-five years previous to the discovery of Iceland by the Northmen in the ninth century, Irish emigrants had visited and inhabited that island. That about the year 725, Irish ecclesiastics had sought seclusion upon the Faroe Islands ; that in the tenth century, voyages between Iceland and Ireland were of ordinary occurrence, and that in the eleventh century, a country west from Ireland, and south of that part of the American continent which was discovered by the adventurous Northmen in the preceding age, was known to them under the name of White-man's Land, or Great Ireland."

Mr. Beamish's book, comprising as it does masterly translations of the original Sagas, will be very properly considered the *text book* on this subject to British readers in general. It will probably lead the way to many historical disquisitions on these topics, if not to many novels and romances, in which the bold heroism and gallantry of the Norse adventurers will be portrayed in their most dramatic and poetic light. They afford singularly striking specimens, scarcely less impressive than Homer's own delineations—of man in the might of manhood,—physical, animal manhood,—daring for the pleasure of daring,—fearing but the name of fear,—rejoicing in the

arduous,—lured on by the perilous,—believing the almost incredible,—and achieving the almost impossible; they present us with a phase of human nature and human progress, admirably calculated for the boldest triumphs of fiction.

The limits of this article will not permit us to quote from the pages of Mr. Beamish the original Sagas; for these we must refer our readers to the work itself. But we shall endeavour to strengthen some of our preceding positions by his weighty authority. The view we have taken of the merit of the Northmen, as compared to that of Columbus, may appear novel and unfair; but, without any wish to depreciate the glory of a justly-celebrated man, we recommend the following argument of Mr. Beamish as well deserving attention.

“ It may, perhaps (says he), be urged in disparagement of these discoveries of the Northmen, that they were accidental—that Bjarni Herjulfson set out in search of Greenland, and fell in with the eastern coast of North America,—but so it was also with Columbus. The sanguine and skilful Genoese traveller set sail in the quest of Asia, and discovered the West Indies. And even when, in his last voyage, he reached the eastern shore of central America, he still believed it to be Asia, and continued under that impression to the day of his death. Besides, how different were the circumstances under which the two voyages were made! The Northmen, without compass or quadrant,—without any of the advantages of science, geographical knowledge, or personal experience,—without the support of either kings or governments, but guided by the stars, and upheld by their own private resources, and a spirit of adventure which no dangers could deter, cross the broad ocean, and explore these distant lands. Columbus, on the other hand, went forth with all the advantages of that grand career of modern discovery, which had been commenced in the preceding century, and which, under Prince Henry of Portugal, had been pushed forward to an eminent position in the period immediately preceding his first voyage.

“ The compass had been discovered and brought into general use, maps and charts had been constructed, astronomical and geographical science had become more diffused, and the discoveries of the African coast, from Cape Blanco, to Cape de Verde, together with the Cape de Verde and Azore Islands, had produced a general excitement among those who were in any way connected with a maritime life, and filled their minds with brilliant images of fairer islands and more wealthy shores amid the boundless waters of the Atlantic. It should also be recollected that Columbus, ever ready to gather information from veteran mariners, had heard of land seen far to the west of Ireland, and of the Island of Madeira,—had been

assured that four hundred and fifty leagues east of Cape St. Vincent carved wood, not cut with iron instruments, had been found in the sea, and that a similar fragment, together with reeds of an immense size, had drifted to Porto Santo from the west. Added to this was the fact of huge pine trees of unknown species having been wafted by westerly winds to the Azores, and human bodies of wondrous form and feature cast upon the island of Flores. Nor should it be forgotten that Columbus visited Iceland in 1477, when having had access to the archives of the island and ample opportunity of conversing with the learned there, through the medium of the Latin language, he might easily have obtained a complete knowledge of the discoveries of the Northmen, sufficient at least to confirm his belief in the existence of a western continent."

Towards the end of his valuable volume, Mr. Beamish pleads with great fervour and force, that the ancient Irish had no small share in the discoveries of America, particularly that portion of it called by the name of Great Ireland. As this plea may be interesting to our readers in the sister isle, we quote a portion of it.

"From what cause, says Mr. Beamish, could the name of Great Ireland have arisen, but from the fact of the country having been colonized by the Irish? Coming from their own green island to a vast continent, possessing many of the fertile qualities of their native soil, the appellation would have been natural and appropriate; and costume, colour, or peculiar habits, might readily have given rise to the country being denominated White Man's Land, by the neighbouring Esquimaux. Nor does this conclusion involve any improbability. We have seen that the Irish visited and inhabited Iceland towards the close of the eighth century; to have accomplished which, they must have traversed a strong ocean to the extent of about eight hundred miles. A hundred years before the time of Dicuil, namely, in the year 725, they had been found upon the Faroe Islands. In the tenth century voyages between Ireland and Iceland were of ordinary occurrence. And in the beginning of the eleventh century, White Man's Land, or Great Ireland, is mentioned not as a newly discovered country, but as a land long known by name to the Northmen. Neither the Icelandic historians, nor navigators, were in the least degree interested in originating or giving currency to any fable respecting an Irish settlement on the southern shores of North America, for they set up no claim to the discovery of that part of the western continent, their interest being limited to the coast north of Chesapeake Bay. The discoveries of Vinland, and Great Ireland, appear to have been totally independent of each other. The latter is only incidentally alluded to by the northern navigators. With the name they were familiar, but of the peculiar locality of the country they were ignorant; nor was it till after the

return of the Karlsefne from Vinland in 1011, and the information which he obtained from the Skroelings or Esquimaux, who were captured during the voyage, that the Northmen became convinced that White Man's Land, or Great Ireland, was a part of the same vast continent of which Helluland, Markland, and Vinland, formed portions."

We must not allow ourselves the license of quoting those interesting statements of historical facts, by which Mr. Beamish seeks to confirm his view of the early settlement of the Irish in America.

One short paragraph, however, is too important to be omitted, as it opens up a brilliant field of antiquarian discovery.

"A further examination (says he) of the Icelandic annals, may possibly throw more light on this interesting question, and tend to unravel the mystery in which the original inhabitants of America are involved. Lord Kingsborough's splendid publication in 1829, first brought to the notice of the British public the striking similitude between Mexican and Egyptian monuments. The ruins of Palenque, Guatemala, and Yucatan, rivalling the pyramids of Egypt, or the ruins of Palmyra, were only known to a few hunters, till the end of the eighteenth century, and modern travellers are still engaged in bringing the hidden wonders of this and other regions of the vast American continent to the knowledge of the literary world."—*Vide Waldeck's Voyage Pittoresque et Archéologique dans la Province d'Yucatan, Amérique Centrale.*

The last publication mentioned at the head of this article, namely, Mr. Smith's treatise on the discovery of America by the Northmen, was, we believe, an American work, reprinted in London, and now nearly out of print. Though not equal in merit to Mr. Beamish's composition, it is a very respectable and readable volume. The information of the author on the subject on which he treats, is thrown into the form of dialogues, to which are added three disquisitions. This work like the former, strongly confirms the theory of successive discoveries; but there is nothing sufficiently remarkable to require further notice.

We trust, that in the course of this extensive article, we have done our subject the justice its importance demands. We have endeavoured to illustrate every link in the chain of historical evidences, and have wilfully avoided no difficulty, but resolutely grappled with the apparent anomalies which have perplexed our predecessors.

ART. II.—1. *The Standard of Catholicity, or an attempt to point out in a plain manner certain safe and leading principles amidst the conflicting opinions by which the Church is at present agitated.* By the Rev. G. E. Biber, LL.D.

2. *Dr. Biber's Standard of Catholicity Vindicated, being a reply to the notice of that work contained in No. 57 of the British Critic.*

3. *An Appeal in behalf of Church Government, addressed to the Prelates and Clergy of the United Church of England and Ireland: being remarks on the Debate in the House of Lords respecting that subject, on the 26th of May, 1840.* By a Member of the Church.

4. *A Letter to the Right Rev. the Lord Bishop of Ripon, upon the State of Parties in the Church of England.* By Walter Farquhar Hook, D.D., Vicar of Leeds.

5. *Catechetical Instructions upon the Doctrines and Worship of the Catholic Church.* By John Lingard, D.D.

IN looking over a late number of an eminent quarterly publication, we found it stated in an article upon the present condition of Ireland, that certain persons in this country had been "converted from Popery to the Catholic Church."

As we ourselves, like all other Irish Papists, had always been under the impression that the Church of which the pope is the visible head upon earth, was the *Catholic Church*, we were not a little puzzled in our endeavours to conceive what the nature of the "conversion" could be. As, however, the writer was engaged at the time in the discussion of an *Irish* question, we imagined that according to the popular notions about Irish composition, he may perhaps have considered himself at liberty to designate as a *conversion* what to us appeared to be a movement *ab eodem ad eundem*. We very soon, however, observed that by the "*Catholic Church*" he intended to denote a certain *globus individuorum*, who, in their aggregate capacity, are in some public documents called "*The United Protestant Established Church of England and Ireland*;" and the nature of whose faith is correctly indicated by a negative designation, which intimates that there are some doctrines against which they "protest," without suggesting that there are any which they believe. That this fortuitous concurrence of individuals were what the writer in question intended to designate as the "*Catholic Church*," was put entirely out of controversy by another passage, in

which he stated that "a second class of evils in Ireland were those which arise from the conflict between the old *Catholic Reformed Church* and the schismatic intruders of Popery."

Having some very strong doubts in our own minds about the propriety of applying the term "Catholic" to a Protestant establishment, in any sense which we ourselves had ever attributed to the term Catholic—believing, in fact, according to what we supposed to be the universal acceptation of that particular adjective, that there was no more propriety in calling the Church of England in Ireland the Catholic Church, than in calling a jackanapes a megatherion, or in calling a barrel of oysters a barrel of whales—we next began to suppose that the writer of the article may have had in his own mind, and in connexion with the word Catholic, some notions different from those entertained by ourselves, and as he stated in another part of the article that this "*Catholic Reformed Church*" of his had been lolling in a state of absolute idleness and inutility "from the Reformation to the year 1824," we imagined it to be possible that by a "Catholic Church" he may have intended to denote a Church which "throughout the whole" of its unprofitable existence had neglected the performance of every one of the duties which it was paid for performing—and that a "Catholic Church," in the sense of this writer, was therefore a Church which had continued for three centuries to obtain money under false pretences. In this respect, however, we were also mistaken; for in another part of the article we discovered a formal definition of the sense in which the term Catholic was used by the writer himself. "Do men know," says he, "the meaning of the word Catholic? It means universal." (p. 133.) Having our doubts about the application of the term now completely removed, and having our minds enlightened by the learned author as to the real meaning of the word itself, we began to consider the matter in a totally different point of view, and to think that the writer in question had been dealing in those particular figures of speech called mendacium and amphibologia, concerning the nature of which amiable sorts of rhetorical artifice he had given some exemplifications of a practical character in the course of the article in question.

Upon extending our perusal to some other publications, we find that this reviewer is not at all singular in his manner of applying the word in question, and that a sort of loose combination has been formed amongst a numerous body of individual Protestant writers, to drop the Protestantism of their

designation and assert the "Catholicity" of what Cobbett used to call "the Church of England as by law and bayonets established." How far the writers in question are justified in this "turn out" against the authority of grammar, analogy, common right, and common sense, we shall now proceed to enquire.

In the course of the observations which we shall have to make upon this subject, we shall rigorously abstain from entering upon the confines of polemical theology. For this prudent abstemiousness one very sufficient reason is, that we who indite this present article are not in any way professionally connected with that science, and that the extent of our acquaintance with it is no greater than that share of theological knowledge which usually enters into what is called a liberal education. Another equally sufficient reason for abstaining from polemics upon the present occasion, is that the subject which we are about to handle is in its own essence of an entirely different nature from everything theological, and that it has, in fact, less connection with the science of theology than it has with geography, arithmetic, or statistics. The question is, in fact, of the simplest possible description, and as abundant materials exist for a satisfactory decision of it, "we hope," as they say in the little prefaces, "to render the merits of it intelligible to the meanest capacity."

In the course of this enquiry we shall take the liberty of making frequent use of the pamphlet of which the title stands third in order at the head of this article. The pamphlet bears evident marks of having been brought out under the actual inspection, or at least with the entire approbation, of an eminent archbishop of the Establishment; and presents within a moderate compass the most copious and authentic account that can be anywhere found of the present condition of the Church of England in respect to its doctrine and discipline;—to the actual principles and dispositions of its most important members, and the probable permanence of the establishment itself.

To begin at the beginning. If the reader will take the trouble (if he should think it necessary) to refer to the Lexicon of our old friend Schrevelius, he will see it stated in the proper place, upon the authority of that famous Gymnasiarch, that the Greek word *Καθολικός* is equivalent to the Latin *Universalis*. By the term Catholic, then, it seems that we are to understand the notion of universality in reference to numerical or geographical extension. But as it does not

appear that any Church professes to have as yet *completely* arrived at *this* universality, we suppose that a Church which can have any pretence to a Catholic designation must have made the nearest approximation to this universality—that her doctrines are professed over the most extensive territory, and believed by the greatest amount of actual votaries. Now it appears from the statistics of Adrian Balbi, as quoted in *Blackwood's Magazine* for May 1838, that upon the whole surface of the globe there are 737 millions of persons, and that of these there are 290 millions who profess the Christian religion. Of the 290 millions of Christians, no less than 139 millions are cherished in the warm bosom of the *Roman Catholic Church*; 62 millions are included under the Greek denomination, and are distinguished from the *Roman Catholics* by few points except of discipline alone; whilst there are only 59 millions of persons all over the world who profess the negative doctrines of Protestantism, in all the chromatical and contradictory varieties of infallible dissent. In endeavouring to ascertain how many of these 59 millions belong to the Church of England, we have experienced no small difficulty and embarrassment. The first matter to be enquired into was the existence and situation of the authority which was to characterise the members of the Church of England, by deciding that such and such persons professed to entertain the doctrines of that Church, and that such others did not. Upon this point we were immediately met by a statement in the "Appeal," that "the Church of England (unlike every other religious communion) possessed within itself *no power of determining claims to membership.*" (p. 64.) But, indeed, not only were we unable to ascertain who are the *members* of this Church, but we were, and are, unable even to discover, with any approximation to a certainty, what her distinctive doctrines are, or whether she has any distinctive doctrines, or, indeed, any positive doctrines at all. Eleven or twelve hundred gentlemen who have been ordained in that establishment, and who still profess to range themselves under its banners, and who are perhaps the most learned, zealous, pious, and influential members of the whole body, have notoriously "incurred a widely-diffused suspicion, have fallen under a very general imputation, of un-Church-of-England opinions." (*Appeal*, p. 71.) Yet these identical persons, although heretical themselves, were able to "cause an assembly of divines to meet very lately in Oxford, and to pronounce a verdict of condemnation for heresy against no less a person than the

Regius Professor of Theology in that University." (*Ibid.* pp. 68-71.) This assembly, however, as we are told upon high authority, had no power at all to interfere in the case, and, accordingly, the archiepiscopal author of the *Appeal* declares, "that their whole proceedings were utterly schismatical: that the trial itself was *coram non judice*, and the decision of no authority whatever in form or in fact." (p. 114.) "The professor condemned as heretical remained, and continues to remain to this hour, in the University, in the possession of his theological office, and as fully as ever authorised to give theological instruction to any student who may think proper to seek it." (p. 69.) The author of the *Appeal* informs us that the disciples of the school of which we are speaking have increased, and are increasing. The augmentation of their numbers hath not, however, been sufficient to protect them against the same sort of treatment which they had themselves bestowed upon the object of their hostility. One of the most important in their series of theological publications was condemned in the present year by the Hebdomadal Board of the University, consisting of the vice-chancellor, heads of houses, and proctors. But a writer in the *Times* (17th March) informed the world that the board had no authority, even from the statutes of the University, to represent, upon such a subject, even the University itself, much less the whole Church Establishment of England. Whilst Dr. Hook, whose name is reported to be the very first upon the list of Sir Robert Peel for a bishoprick, declares (*Letter*, p. 4) "that the determination of the hebdomadal board to censure Mr. Newman was a most unhappy determination, and that a convocation of the University, if summoned for the purpose, would reverse the censure." It does not appear, however, that the occasion was considered as presenting a *nodus dignus vindice tanto*, inasmuch as the convocation has never been summoned for the purpose. The condemnation of the board by the convocation would, however, as it appears, be as futile as the condemnation by the board of the party who procured the condemnation of the regius professor of theology. The author of the *Appeal* informs us that the University has no power whatever to decide any questions of theology; and indeed if they did possess any such authority, the consequences of its actual exertion at present would be inconvenient enough, as "it is notorious that the Universities themselves have not been in agreement as to theological opinions; and that in certain cases, therefore, the same sen-

timents would be reckoned heretical by one of those bodies and orthodox by another." (*Appeal*, p. 69.)

The ingenious Mr. Western, upon seeing three persons engaged in combat, very sagaciously concluded that two of them must be upon one side. But it would be unsafe to draw a similar inference from a discussion in which three or four Universities* were engaged; and the consequence of investing the Universities with the power in question, may therefore be to present us upon a given subject with three or four different infallible rules of faith, each differing from each of the others, and all peradventure in opposition to the sentiments of the Church upon the same subject. But there is another reason why this power to decide upon questions of theology ought not to be possessed by the Universities, and that reason is, that the learned bodies in question so far from being able to decide controverted points in theology, know, in fact, nothing of that science at all; and neither teach nor learn it. The late discussions of several projects for altering the system of education at Cambridge, were founded in a great degree upon the fact that "*theology is scarcely, if at all, introduced into the course in that University.*" (*Times*, May 20th, 1841.) In the same document it is asserted that the "first principle of the system of education adopted in that renowned seminary, is to give every man a liberal education *independently of the profession to which he may ultimately turn himself:*" and the authority of the Rev. Henry Melvill is adduced in support of the position, that "the best method of becoming ultimately a theologian is to devote one's self in the first instance to the study of the mathematics."

In a review of Dr. Peacock's *Observations on the Statutes of the University of Cambridge*, in the *Times* of the 14th April, 1841, the following statement is made upon this subject:—

"The grand delinquency of the Universities is confessed to be the slender and inadequate training they afford to students destined for the Christian ministry. Except occasional sermons at St. Mary's, the divinity student hears at Cambridge *no theological lectures worth the name.* The Norrisian Professor of Divinity is compelled to read through Pearson on the Creed, in each course of lectures—a condition, as Dr. Peacock remarks, which would infallibly clear his lecture room, did not the bishop require from candidates for holy orders his certificate of regular attendance. Butler's *Analogy*, once lectured upon in the University, has disappeared before the all-absorb-

* Oxford, Cambridge, Dublin, and Durham.

ing mania for mathematics. Occasionally college lectures are given on the Greek Testament, upon one of the Gospels or the Acts of the Apostles—seldom or never on the Epistles. Paley's *Evidences*, too, are read. *With this slender furniture most of our young clergy set forth upon their arduous task.* Of rhetoric as an art—of DIVINITY as a SCIENCE—of casuistry—of criticism, as applied to the SACRED SCRIPTURES, THEY KNOW NOTHING. All, all has to be learned, amidst the cares and interruptions of parochial labour; for, during the few months which in general intervene between the degree and the bishop's examination, unaided and alone, the student adds but little to his stock of real knowledge."

This is certainly a very flourishing state of affairs. But perhaps the reader will be able to form a more satisfactory notion of the amount of theological instruction which is imparted under the present system, by seeing the programme of that which Dr. Peacock proposes to introduce. This proposal we take from the same paper which we have already quoted, into which it has been copied in the words of Dr. Peacock himself:—

"We should be disposed to recommend regular and systematic courses of lectures to be given every year on the following subjects: "On the *doctrines, liturgy, and articles* of our Church, by the Norrisian professor.

"On the *Hebrew language*, by the regius professor of Hebrew.

"On *biblical criticism*, more especially of the language and books of the New Testament, by a professor of biblical criticism, to be hereafter appointed.

"On *ecclesiastical history*, more particularly of the first four centuries after Christ, by a professor of ecclesiastical history, to be hereafter appointed.

"On the *canon of Scripture* and the *writings and opinions of the early fathers*, by the Lady Margaret's professor of divinity.

"On *moral philosophy* and the principles of moral evidence as affecting the grounds of religious belief, by the professor of moral philosophy."

From this enumeration it would appear that there are at present no lectures delivered in the University of Cambridge upon the DOCTRINES of the Protestant Establishment, or upon its LITURGY, or upon its ARTICLES, or upon biblical criticism, or ecclesiastical history, or the canon of Scripture, or the writings or opinions of the fathers, or even upon moral philosophy or the principles of moral evidence as affecting the grounds of religious belief. The decisions of such a University upon the subject of theology, must be as valuable, as satisfactory, and as conclusive as the decision of Costard in *Love's Labours Lost*, upon a certain well-known arithmetical problem:—

Biron. And three times thrice is nine.

Costard. Not so, sir, under correction, I *hope* it is not so. I hope, sir, that three times thrice, sir—

Biron. Is not nine?

Costard. Under correction, sir, we know *whereunto* it doth amount.

Biron. By Jove, I always took three times three for nine.

Costard. Oh Lord, sir, it were a pity you should be obliged to get your living by reckoning.

Biron. How much is it then?

Costard. The parties themselves, sir, will shew *whereunto* it doth amount.—*Love's Labours Lost*, Act v. Scene 2.

With regard to a few items in the above-given "bill of particulars," it may be mentioned that "all which is required from the divinity student at ordination, is a certificate of attendance upon the Norrisian Professor of Divinity for twenty lectures in one term,* no test whatever being demanded of his *information*." That during the delivery of the said lectures, the majority of the divinity(!) students hold in their hands volumes of all sizes, descriptions, and shapes—history, poetry, novels, travels—whilst some think it a good opportunity to prepare for their examination in Paley's *Evidences*, or rather in a mere selection from it (p. 28); whilst others of the divinity(!) students amuse themselves with a *song book* or a *jest book*, and train themselves for the *entertainment of a COMING SUPPER PARTY*! (*Letters*, No. 2, pp. 20-21.)

Nor is the Norrisian professor at all singular in his inutility. Indeed he is very much exceeded in this negative line by some other individuals of the same class; for we find that the Lady Margaret's *professor* of divinity, in the course of twenty-eight years, up to 1836, had acquitted his conscience by delivering at the rate of about a lecture and a half per annum, in the form of sesquiplicate sermons, which he spoke from the pulpit of St. Mary's Church. The author of the *Letters* appears to think that "these great defects may be supplied by an extension of the professorship of *casuistry*." (No. 2, p. 44.) How this "extension" is to be effected, or what the meaning or nature of the proposed extension can be, we are unable to conjecture, as the writer himself had informed us in the preceding page, that the learned professor of *casuistry*, a certain Dr. Barnes by name, had, from the date of his appointment in 1813 up to 1837, a period of nearly a quarter of

* "Letters on the condition of the English Universities, considered as nurseries of the Established Church, by a Graduate of Cambridge;" No. 2, pp. 10-11.

a century, actually delivered no lecture at all! The author of the *Letters* takes upon him to assert that the said Dr. Barnes, at the time of his election, was too old to be competent to perform the duties of any professorship. He possessed, however, the advantage of being able to give in his own favour two of the five votes which were necessary to his election. The letter-writer observes, "that the worthy professor must have exercised the utmost efforts of his art to quiet his own conscience as to the manner of his election:" and we may add—as to the manner in which he conducted himself during the continuance of his office. A man whose casuistical capacity was adequate to the tranquillising of his own conscience in such circumstances must have been a master in his art; and the extraordinary evidence of his ability, furnished by the fact of his having never delivered a lecture, affords an additional and perhaps the strongest reason for lamenting that so great a genius should not have given his thoughts to the world upon a subject so important in itself, and to which his abilities appear to have been so peculiarly adapted. In the University of Cambridge there is *no professor of moral philosophy at all*.* (*Letter*, No. 1, p. 44.)

It is unnecessary to enter into any details about the University of Oxford. The Graduate of Cambridge informs us (No. 2, p. 28, note), that the preparation for the examination for a degree, *including the DIVINITY*, "is usually made in a *very few days*," by the well-known process of cramming; and that, in fact, there is no substantial difference between these two "nurseries for the Established Church," in the extent and character of the theological knowledge which they confer upon the clergy of the establishment. "That *the clergy of the Church of England*, when considered in the persons of the majority, and not through the medium of a few bright examples, are at present *grossly ignorant*;" and "that, in particular, the *country clergy* are generally ignorant of the *very foundations* of their faith" (*Letter*, No. 2, pp. 14-24), is a consequence which the Graduate of Cambridge very confidently deduces from the facts already mentioned. Of the value of a decision by such persons upon a theological subject there can be no doubt, if we consider their adjudication merely in the aspect of reasoning and information. How far "the Church" would in any sense defer to a decision by a convocation of such persons in the case of the University of

* One has, we believe, been appointed since the publication of the "*Letter*."

Oxford, we know not; as the most eminent individuals in the establishment observe a complete silence upon the subject.

Neither the archbishop of Canterbury, nor even the bishop of Oxford, nor indeed any other ecclesiastical "authority," appears to have considered it any part of his or their duty to take any public notice of such a state of affairs, or to give so much as an authentic public manifestation of their opinions upon any of the subjects in question. As the matter stands, we have the regius professor of theology declared heterodox by a "tumultuous assembly" of divines possessing no ecclesiastical judicial authority, and scarcely any acquaintance with theology: which assembly was convened by other divines in the University, which other divines are condemned as heretical by the hebdomadal board of the same University; which board has as little authority over the subject matter as the conveners against whom they pronounced sentence of condemnation; which condemnation of the board would be condemned by the convocation, if they were only summoned together for the purpose: whilst the persons who are colloquially called the heads of the Church, appear to have either no authority or no inclination to interfere, even to the smallest extent, in such extraordinary proceedings. The gentleman who is the avowed author of the Tract No. 90, which the board condemned, affirms (*Times*, 17th March), "that [notwithstanding the resolution of the board] his opinion remains unchanged, as well of the truth and honesty of the doctrine maintained in the Tract, as well as of the necessity of putting it forth." Whilst Mr. Sewell, the professor of moral philosophy in the same University, affirms, in the postscript to his letter to Dr. Pusey, that Mr. Newman is "entitled to the gratitude of the Church for having *revived* many most important truths" which "the Church" had, as we suppose, allowed to go altogether to sleep. Another of the Tracts, which have proceeded from the same quarter, has the following passage: "Let the Church [*i.e.* the Church of England] go on teaching with the *stammering lips of ambiguous formularies and inconsistent precedents*." (Letter of a Protestant, in the *Times* of Tuesday, March 9.) In the same letter it is stated that Mr. Froude hated the Reformers, liked Bonner, and thought Bishop Jewel an irreverent dissenter; and that Mr. Newman said that "he looked upon the *communion service* with *grief and impatient sorrow*;" and such or similar must be taken to be the sentiments of the members of the

convocation, who would condemn the board, which had condemned the tractarians, who had convened the assembly of divines who condemned the regius professor of theology, in the University of Oxford: whilst, in the same paper, it was stated a few days before (6th March, 1841) that the Tractarian sect originated at a meeting held in the summer of 1833, at the house of the *domestic chaplain* of the *archbishop of Canterbury*. The letter in the *Times* names the bishops of Exeter, Chester, Chichester, Winchester, London, and Salisbury, as having issued injunctions warning the clergy against the doctrines of the Puseyites. The leading article of the *Times* of the same day, alleges, however, that some of these same bishops have seconded the teaching the same divines upon controverted points of the "greatest importance," and appeals to the candour of the writer of the letter in confirmation of the fact.

Such are a few of the outward and sensible symbols of unity which we discovered in one department of the Anglo-Hibernian establishment.

A considerable number of clergymen, of a different class from the preceding ("of conservative politics and evangelical sentiments"—*Times*, March 9), petitioned the House of Lords, in the course of the last session, for a change in the liturgy, articles, and canons (for a new stock, lock, and barrel); and the bishop of Norwich observed in the course of the debate, that "among the *numberless* clergymen with whom he had spoken upon the subject he had never yet met *a single one* who allowed that he agreed in all points to the subscription which he took at ordination" (*Appeal*, p. 16); that is to say, who really believed what he professed to believe: whilst the bishop of London stated in the same debate, "that he had *never met with a single clergyman* who did not express his unqualified belief in the whole" (*Ibid.* p. 25): declaring at the same time, that he should, for his own part, consider himself as "eating the bread of the Church unworthily, if he were to subscribe *any* articles which he did not *implicitly* believe." (p. 25.) From which it is quite evident that the bishop of London has never had, as he expressed it, "the misfortune to meet *a single one*" of the *numberless* clergymen with whom the bishop of Norwich is acquainted; or with the petitioning clergy of 1833 or 1841, who stated that some of the canons were inexpedient, and some of them *impracticable* (whilst all were obligatory upon the clergy, who were obliged to profess an adherence to the whole); and that some deviations from

the authorised forms and positive obligations of the Church, were found to be so advisable that such deviations had already been actually carried into very general practice. (*Appeal*, xii.) Whilst, again, the author of the *Appeal* declares that "it is admitted that our canons neither are nor can be enforced; that our clergy are not compelled to observe them *except by the diocesan*, and that our *bishops* are not under *any obligation to enforce them*" (p. 127); and that it is notorious, "that neither our clergy are punished for transgressing them, nor our bishops for neglecting to enforce an obedience to them." (p. 128.) And we learn from the same source (p. 133), that a "publication used as a test-book in the Universities for the instruction of even candidates for orders, expressly maintains the doctrine that subscription to the articles implies no more than that the party subscribing will not enter into any controversy upon the points to which the articles relate."

The Bishop of Norwich declared that the Church of England was founded upon liberty of conscience, and the right of private judgment (*Appeal*, p. 14). But the Bishop of London calls the declaration, "a libel upon the Church," (*Ibid.* p. 20), and says that the only way in which the Church "could maintain itself at all, was by keeping true to the one point of the theological compass" (*Appeal*, p. 22). In our attempts to hit off this *one* point, we have not been more successful than in the other parts of the enquiry. The Bishop of London himself told us nothing about it, whilst the author of the *Appeal* acknowledges that *not only the point of the compass*, but the *whole compass itself is a mere nonentity*. He comically adds, that there could not be so much disputation about the direction of the course to which it pointed, if the compass, to say the least of the matter, *were not very much out of repair*; and he concludes by stating that "we have *nobody able to mend it*." (*Ibid.* p. 73). Nobody at all seems to contemplate such a thing as a capacity anywhere to *correct the variations* of the compass, even if it ever should be repaired. The petitioners tell us that the clergy are understood to be bound to the observance of all the canons, although some are "confessedly inexpedient, and some are absolutely impracticable" (*Ibid.* p. 12). But the Bishop of Lincoln tells the House of Lords, as he had previously told Mr. Wodehouse, that the fact of Mr. Wodehouse's entertaining difficulties about the Liturgy and the Athanasian Creed, constituted no obstacle to his admission to holy orders: (*Ibid.* p. 7) and that a similar opinion was given to Mr.

Wodehouse by other prelates whom he consulted: whilst, in another place, we are told, with a reference to the authority and practice of the Bishop of London, "that no conscientious bishop is satisfied with an unexplained subscription to the general *standard*; that he requires, or ought to require, every candidate for orders to stand one examination as to the meaning of that which he subscribes" (p. 120). The Bishop of Norwich himself made some very natural reflections upon the insincerity of "confessing with our lips what we do not confess with our hearts:" whilst the condemnation of No. 90, by the Hebdomadal Board, proceeded expressly upon the ground that the tract reconciled subscription to the thirty-nine articles with the adoption of errors which they were designed to counteract. As a replication upon this position of the Board, it may be stated in the words of Mr. Sewell, that "the thirty-nine articles were not intended as a body of dogmatical teaching, or as a system of theology, whose reception was to be imposed by authority:" although Bishop Burnett had informed us that the aforesaid articles contained "the sum of our doctrine, and the confession of our faith."

The party however, who consider that "it would be a serious evil to treat these articles as a regular system of theology, or confession of belief, to be enforced by the ecclesiastical power," are spoken of in the following manner by a high authority.—

"Their teaching has now sunk deeply into the heart of the Church of England; it has acquired not merely a numerical, but a moral power and influence, which must henceforth make it impossible for any statesman to despise or overlook, and *highly indiscreet for any POLITICAL PARTY unnecessarily to alienate, this element in the constitution of society*. The younger clergy are said to be *very generally* of this school; it has no want of advocates among their seniors; it has penetrated into both Houses of Parliament; and we are confidently informed that it has met with countenance from the bishops themselves. It has completely succeeded in *awakening* in the church that *vital spirit of re-action*, the necessity for which called it into existence. We hear nothing now of a demand for the admission of dissenters into the Universities, of proposals to abolish subscription to the thirty-ninth Articles, or of contemplated changes in the Liturgy; or, if we do still hear of them, the manner in which they are received, as contrasted with their popularity in 1833, illustrates the completeness of the victory still more forcibly."—*Times of March 6th, 1841.*

The most comical part of the transaction is, that a polemical

combination, which was formed for the purpose of preventing those alterations in the prayer book "which were called for by many of the clergy and laity," (*Times*, 6th March, 1841), and which has had the effect, as we are told in the same place, of preventing proposals for abolishing subscription to the articles, should be condemned by the University to which they belonged, for advocating an interpretation of the articles which "reconciled a subscription to them with the adoption of errors which they were designed to counteract," and that the champions of resistance to all contemplated alterations in the liturgy of the Church were loud in proclaiming to the world, that the said Church effected its "teaching" through "stammering lips by "ambiguous formularies" and "inconsistent precedents."

Such are a few of the sources of the perplexities which were encountered by us in considering the more public operations of the "Church establishment of England." In examining her more private proceedings, we find ourselves as far as ever from a satisfactory conclusion. The same high authority which we have already quoted, informs us that "a combination of clergymen holding influential stations in the Church, and listened to with great assiduity as preachers, declare that *the BISHOPS and the MAJORITY OF THE CLERGY are either ignorant of the MEANING OF THE ARTICLES, or have signed them in a FRAUDULENT SPIRIT, and for the sake of EMOLUMENT,*" (*See Appeal*, p. 72), and that the *tracts* which have been circulated by the said entirety of the *bishops*, and *majority of the clergy* acting in form of the Society for the Diffusion of Christian Knowledge, are *positively heretical*:* the Church Missionary Society is also denounced by some members of the Church, holding influential stations, although its character is even higher than that of the Christian Knowledge Society; and although its muster roll "is adorned with the names of several bishops, including the Bishop of London, who has actually ordained ministers for its operations" (*Ibid.* p. 76). In fact, the greatest number of the clergy of the establishment are at present very actively occupied in protesting not only against the Church of Rome, but against each other; every man being at liberty as we shall see by and bye, to set up as an infallible authority,—be a pope unto himself.

* We are informed by Dr. Hook (Letter, p. 15) that this society is now distracted by "unhappy discussions, introduced by a party which is suspected of a design to revolutionise the society."

Well may the author of the Appeal exclaim, "what in such a case is to be done by an ordinary man?" (p. 77). What, indeed! In the language of the law, an "ordinary" man, generally means a bishop. In the present instance, however, it is quite clear, that by the expression "ordinary" man, the writer means one of the plain common run of mankind: although he certainly might, without any impropriety, have used it in the more legal and limited sense; as the bishops appear upon some of the occasions in question, to be quite as much puzzled as the most ordinary laymen. Both parties, to use the language of the "Appeal," being "led astray, or left in doubt as to what it is that the Church in *reality* recognises,"—"the Church not having as it seems sufficiently explained its own meaning in every instance" (p. viii).

But the worst of the matter is yet to be told. For we not only do not know what is the meaning of the Church, or what it is that it recognises, but we, unfortunately, do not even know what "the Church" is at all. We were at first inclined to think that our knowledge of the Church of England was at least as extensive as the information which we have concerning our own souls,—that we knew, for example, its *existence*, although we knew nothing very particular about its essence. We had been in the habit of hearing people speak of "the Church" of England, as positively as they spoke of the Bank of England, or of the Royal Exchange, or the Court of Queen's Bench; without ever entertaining a doubt about the real existence of the subject matter; and when the Bishop of London publicly proclaimed in the House of Lords, on the 26th of May in the last year, that the Church of England was ready to "lay down the great truths which she extracted from the Bible," we considered the intimation to be as practical as the notice which is occasionally given by the Bank, that she will on such a day be ready to receive applications for advances of not less than £2,000 upon adequate security. Having gotten as far as to be sure of the existence of the establishment, our only remaining difficulty, as we thought, was, to ascertain the *locus* in which her operations were conducted; and we imagined, as a man gets his dividends at the Bank, his marriage license at Doctors' Commons, and his writ of mandamus in the Crown Office,—that there must be some *place* in which one may have his theological doubts removed by the Church, and where, upon making a proper application during the appointed hours of business, he may learn from competent authority what "the great truths are, which the

Church of England has extracted from the Scripture." And as the Bishop of London had moreover asserted in his speech above-mentioned, that "the Church would neglect her duty if she did not lay down those truths," we believed that she was in reality, and for all practical purposes, just as ready, and able, and willing, to instruct a man, as the General Cemetery Company is to inter him. Great was, therefore, our astonishment upon hearing an archbishop of the establishment, actually, and publicly declare in the House of Lords, "*that there was NO INDIVIDUAL, NOR BODY OF INDIVIDUALS, to whom ANY QUESTION of doubt or uncertainty, or ANY scruple or objection could be referred,—nor ANY CONSTITUTED AUTHORITY to whom application could be made in order to determine any such subjects:*" and that no power existed anywhere to "look after such matters"* as the articles of the Church's belief. If the definition of the nature and duties of a Church, which is expressed in the speech of the Bishop of London, be correct, it is evident that the statement of the Archbishop of Dublin had an exceedingly strong resemblance to a declaration, that there is in reality no such thing at all, as the Church described by the Bishop of London;—that the Church of England of which the Bishop of London spoke, only existed, if at all, in fiction and contemplation of law;—that it is *always in abeyance*, like the fee-simple of a rectory;—that, like Rabelais' island, Medamothi, it is situated in that negative locality, called *nowhere*; that it may be a vortex, or a vibration, or a metaphysical substratum for the sustentation of super-incumbent accidents; and that, although such an object of internal perception may be, as the lawyers express it, *in nubibus*, yet, that in as far as England was concerned, there was, as the Reverend Sidney Smith would say, no Church of God *here* upon earth at all; there being at this moment no body whatever, "politic or corporate," "aggregate or sole," which possesses the smallest semblance of authority, to decide authentically what the doctrines of the Church of England are, and what they are not. *What then is the Church of England, and where is it to be found?* If it be any thing more than a mere *ens rationis*, will any one point out where its palpable existence can be ascertained, and what the situation is, in which the Church of England is, according to the Bishop of London, "ready to lay down the doctrines which she has extracted from the scriptures, and

* Speech of the Archbishop of Dublin, 7th. Aug. 1833. Appeal, p. 32.

which truths, if she did not lay down, she would most grossly neglect her duty?" How she has performed this duty may be inferred from the statement of the *Quarterly Review* for September 1840, p. 354, that "there is sufficient difficulty in defending the fundamental doctrines of the Anglican Church, merely because having been too long neglected, they go against the notions of many." In the same publication, p. 460, the writer says that Mr. Carlyle "is ignorant of the true powers of the Christian Church, because for so many years the Church herself has permitted him, and others around him, to remain in such ignorance."* This observation was made in reference to Mr. Carlyle's declaration, that the Church itself had become a skeleton, or a scarecrow. But it will sufficiently appear, from the preceding parts of the present article, that Mr. Carlyle gave too substantial a character of the establishment in calling it even a skeleton: and indeed, the author of the Appeal informs us, that in so far at least as concerns the authoritative exposition of "the truths which she has extracted from the Bible," the Church of England "has now *'ceased to be a Church:'*" or at least, that an *essential feature* of that *character* has been *lost*." (p. 74). But although it be quite obvious that there exists no supreme or central authority whatever in the Church, for the purpose of preserving either an actual unity of doctrine, or even a plausible conformity of practice, yet it may perhaps be alleged that each diocese was a sort of a smaller church in itself, and that these independent ecclesiastical jurisdictions, by forming a compact and *quasi* federal alliance, may supply in some degree the want of a more extensive and more centralised administration. It seems however, that the defects, contradictions, and inconsistencies which exist in these minor jurisdictions, are even greater than those which are to be found in the whole body, when taken as a whole; and that there are few, if any, questions of any considerable importance, concerning which the greatest differences do not exist among the bishops themselves. It is unnecessary in this place to enter at much length upon the dissensions that exist between these ecclesiastics upon the questions of baptism, penance, the Athanasian creed, and other portions of the Prayer Book. Upon the subject of baptism, the clergy, as we are informed by the author of the Appeal, are divided pretty nearly into equal parties (pp. 21-2.) The most Rev. author of the *Pamphlet*, adds, with much

* Quarterly, September 1840 (Carlyle's Works), p. 460.

primeval simplicity, that "the Church obviously meant to inculcate *some* (*sic italics* and all) opinion upon the point." He goes on to say: "what is really painful in this controversy, is, that it proves us to be in doubt as to *what is the doctrine* which the Church enjoins—as to *what is the meaning* of the service to which we subscribe." It is unnecessary however to enter upon the other subject of dissension, as it appears that the disputes go down so far as to reach and affect the *very root and foundation* of the *character* both of the *episcopal* and *sacerdotal* office. "*Ambigitur enim utrum ordinatio sit sacramentum*"!! (p. 117.)

There exists a controversy, as to whether the words "receive the Holy Ghost by the imposition of our hands," ought to be understood as actually conferring the gift, or as merely equivalent to a benediction or prayer "as if it were said: we pray you may receive it." (p. 118). One party object to the literal meaning, for the very satisfactory reason, that "such meaning is unallowable;" and the other party object to accepting as the potential mood what is expressly clothed in the form of the imperative (p. 117-8). The consequences of this controversy are sometimes queer enough. "The bishop of one diocese teaches a deacon to understand the expression as a prayer, and gives him letters of recommendation to the bishop of another diocese, where he seeks the order of priesthood; but the bishop of the latter diocese considers the opinions of the other bishop to be heretical upon the point, and "accordingly *he rejects the candidate for the very same exposition, which he has been taught by the original bishop to regard as perfectly orthodox.*"

In this case, then, says the author of the Appeal, "how perplexing may be the situation of a clergyman, ordained in Ely, beneficed in Chester, and removed to Gloucester": (p. 119) you may well say perplexing indeed: unless he could be like Cerberus, "three ecclesiastical gentlemen at once." The very *principium individuationis* would be smothered in him, and "his *inward* man," to use the language of Dominie Sampson, "would irremediably confound his notions of his own personal identity." But if such would be the perplexity of a clergyman ordained in Ely, beneficed in Chester, and removed to Gloucester, what must be the condition of a clergyman ordained for the home missionary operations? a sort of ecclesiastical, metaphysical *individuum vagum*, who may have occasion to go a circuit through twenty dioceses, each having a separate standard of infallibility for itself. "The

doctrine which is held orthodox in one distinct, being denounced as heretical in another" (p. 118), the state of this last man would certainly be worse than that of the first; and is indeed so desperate, that any further contemplation of it has a tendency to bewilder the imagination. But even the dissensions of the bishops are not the most hopeless part of the case; for the author of the Appeal informs us, that "the extent of the schism existing in the Church is advanced so far beyond the sustaining influence of episcopacy, as to be *incurable*, even though all our bishops were in harmony amongst themselves," (p. 143); and the Archbishop of Dublin expressly informs us (Appeal, p. 89) that the opinions of the bishops, even if they were unanimous, have no influence, except with regard to strict legal enactments, the performance of which is enforced by penalties.

Such is a faint and imperfect outline of the picture which the Church of England has drawn of her own condition, at the instant when she has had the modesty to put forth pretensions to the character of Catholicity. The Rev. Sydney Smith informed us lately, that a few years ago he considered this "lottery" as upon the point of going altogether to pieces. We are informed by the *Times*, upon one day, that "the Church of England is staked upon a forthcoming vote of the legislature;" upon another day, at a subsequent period, we learn from the same authority, that the same "Church is struggling for existence." Whilst it appears from the preceding part of this article that she has not even an existence; that she has at least no *spiritual* existence to struggle for; and that, except as a *recipient* of *revenue*, she has really no existence all. To assume in such circumstances a designation which implies a universality of dominion, is the same sort of insane, fatuous presumption, as if the pacha of Egypt had, after the bombardment of Acre, proclaimed himself the monarch of the world, at a time when it was doubtful whether he would not very soon be left without a house over his head. If people will persevere in pretending that the Church of England is in existence at all, it is impossible to prevent them from doing so; and if they wish to decorate her with high-sounding designations, without any regard to veracity, they are at liberty to enjoy this peculiar sort of pastime. They may therefore, "an' they will," call her

"More just, more wise, more learned, more everything"

than any other Church or congregation of people upon earth.

But to assume the denomination of Catholic, in the circumstances of the case, is a piece of silly effrontery, exactly of the same kind as if the archbishop of Canterbury was to put on a tiara and call himself Gregory XVI; or as if the bishop of London, having adorned his person with a pair of red stockings and other appropriate parts of the cardinalian costume, were to write "The Cardinal Aloysius Lambruschini" upon his visiting cards.

If such be the pretensions of the Church of *England* to Catholicity, what shall we say of our friend, the Church of Ireland, which is quartered here at home upon ourselves; which has decreased, is decreasing, and will soon be altogether extinguished; which has, according to the *Quarterly Review*, been asleep during all the time from the Reformation to 1824; which has 861 parishes, in each of which there are less than 50 Protestants; and 151 parishes in which there are no Protestants at all. To give the designation of universal to *this* Church, at a period when it is rapidly approaching to the condition of that sort of substance which the logicians call *pura nihilitas*—to call *such* a Church universal, at such a time, is an operation for which we have no designation remaining; our vocabulary is exhausted.

We have said nothing about the indisputable title of our own most holy Church to the designation of Catholic. Whoever wishes to see that part of the subject altogether disposed of in a few sentences—brief, but irrefutable—has only to refer to Dr. Lingard's admirable *Catechetical Instructions* (p. 36), where he will find this portion of "religious controversy" brought completely to "an end."

ART. III.—*Les Œuvres d'Euclide, en Grec, en Latin, et en Français, d'après un manuscrit très ancien qui était resté inconnu jusqu'à nos jours.* Par F. Peyrard. Ouvrage approuvé par l'Institut de France. Paris: (Vol. i. 1814; vol. ii. 1816; vol. iii. 1818.)

THERE are two Euclids. We do not mean one of Megara, and another of Alexandria; our distinction is of quite another kind: we mean that there are two Euclids who have written elements of geometry. The first, we have no doubt, was of Alexandria, and has left writings, which have come down both in Greek and Arabic. The manuscripts

of these writings differ from each other, as manuscripts will do; and when the best has been made of them which criticism will allow, the errors of humanity may be seen peeping through the manifold merits which they contain. The other Euclid was a native of Utopia, and though probably as ancient as his namesake of Alexandria, was hardly known till after the invention of printing. He wrote works on geometry which were absolutely perfect; a fact so certain, that no one editor of *this* Euclid ever scrupled at rejecting, adding, or altering, wherever there appeared occasion for either process. And what could be more proper? Euclid was perfection; this sentence is not perfection, therefore this sentence is not Euclid. And though editors did sometimes differ about the true mode of turning imperfection into perfection, this proved, of course, not the fallibility of Euclid, but their own. Each of them could see it in the rest, and so it happens that many others can see it in all. After the battle of Salamis, each commander thought Themistocles only second to himself; for which they were laughed at, and Themistocles placed first: every editor of Euclid of Utopia thinks Euclid of Alexandria better than the first Euclid in the hands of any but himself; the inference is as clear. The perfect Euclid is better known in our country than the human one, according to the perfection of Robert Simson, a profoundly learned geometer of the last century. This excellent man (we have as much of right to make him complete as he had to do the same to Euclid) dreamed three times that Theon, a contemporary of the Emperor Theodosius, had translated "Molly put the kettle on" into Greek, and distributed the fragments through the books of the perfect Euclid, altering the context so as to make no violent appearance of transition. He awoke only to set about an edition, in which, by supernatural assistance (for human he had none), he not only threw out the vile kitchen song, but "restored to him those things which Theon, or others, had suppressed, and which had then many ages been buried in oblivion." If any reader doubt our story, and require us to produce authority for it, we will do so as soon as he shall produce any one single manuscript, or set of manuscripts, which collectively bear out Robert Simson's restorations,—but not till then.

This preface may serve as well as another, to express that we intend to treat of Euclid of Alexandria,—who is either the Homer of geometry, or else Homer is the Euclid of poetry. It has been the good fortune of both never to be surpassed;

and to complete the parallel, one Pope served Homer just as Simson served Euclid—set him forth as he ought to have written instead of as he did write. It cannot be denied that an Englishman with a head full of Pope and Simson, has very good notions, both of poetry and geometry; but, for all that, he who would write on Homer must discard the first, while one who would describe Euclid must make light of the second, or at least of his omissions and restorations.

The little we know of the rise of geometry in Greece comes from Proclus, in his commentary on Euclid; a writer who lived, it is true, five centuries after the Christian era, but who appears to have had access to sources of historical information which are now lost. Passing over his story of the floods of the Nile obliging the Egyptians to invent geometry, we come, among several minor names, to the mention of Pythagoras, Eudoxus, and Euclid. The first, it is said, changed geometry into the form of a liberal science; and looked at its principles, and considered its theorems, *immaterially and intellectually* (ἀψυχῶς καὶ νοερῶς): we suppose Proclus means to say that Pythagoras was the inventor of demonstration, and that his predecessors were experimental geometers. He also wrote on *incommensurables*,* and on the regular solids. Eudoxus generalized many propositions, and added three proportions to the three already known, mean what it may: he also employed analysis in augmenting the properties of Plato's sections (the conic sections). Then comes Euclid, who collected the elements (ὁ τὰ στοιχεῖα συναγαγὼν), put many propositions of Eudoxus into order, and perfected others; strengthening many previously weak demonstrations. He lived in the time of the first Ptolemy, for (Proclus has no other reason) Archimedes mentions him in his first and other books. And they report that when Ptolemy asked him, if there were no easier mode of learning geometry, he answered that there was no royal road. There is nothing else of any importance either in Proclus or elsewhere; and we must confess that the account of that writer is so pithy and cautious,

* Ἀλόγων is the Greek word, which always meant incommensurables. But Barocius, whose Latin is highly esteemed, translated it *quæ explicari non possunt*, and the late Thomas Taylor, the Platonist, who translated Proclus with the love of a disciple, follows Barocius, and cites Fabricius, who thought the word should be ἀναλόγων, proportionals. But surely "incommensurables" makes perfect sense, and we know that some rather acute ideas of incommensurables must have preceded Euclid's theory of proportion. The words of Proclus are, τὴν τῶν ἀλόγων πραγματείαν καὶ τὴν τῶν κοσμητικῶν σχημάτων σύστασιν ἀντιρεῖ.

that we are inclined to give its details more credit than has been usually accorded to them. If Proclus had been given to collect hearsay, he would hardly have written so briefly on the author whom he was annotating: he would, for example, at least have copied the eulogium of Pappus (A.D. 370, or thereabouts) on the suavity of Euclid's manners. We conclude, then, that about the year 300 B. C. Euclid collected the scattered elements of geometry, which had been prepared by his predecessors, and organized them into the system which bears his name.

The first editor of Euclid was Theon, who lived A.D. 380, or thereabouts, and who, as he himself informs us in his commentary on the *Syntaxis*, had given an edition (ἐκδόσεις) of Euclid; and, among other things, had added to the last proposition of the sixth book. The addition has evidently been made, and follows the "which was to be proved," with which Euclid always ends. This Theon had nearly run off with all the merit; for many of the manuscripts of the *Elements* head them as if they had been collected by him; and one (mentioned by Savile) has in the margin a distinct statement that Theon was the person who arranged them. There is answer enough to this, first in the silence of the best authorities upon this point, secondly in a quotation of Alexander Aphrodisæus, a commentator on Aristotle prior to Theon, who quotes both Euclid and a particular proposition. He certainly makes the number of this proposition one earlier than it is in our present edition, which seems to indicate (if he have not quoted wrongly) that some one later than himself has made an insertion. But Euclid has been signally avenged; for since the time of Savile, and more particularly since that of Simson, Theon has been made to bear the blame of everything which appeared to any editor short of perfection. Every schoolboy in England, who has looked into the notes to his Simson, has been taught to connect "Theon" and "some unskilful editor." Every editor, from Grynceus downwards, has felt himself able to please his fancy, with an assurance to his readers that he was only undoing Theon.

It is difficult to say when or how Euclid disappeared, any more than other Greek writings: but it is certain that by the seventh century no trace of him was left in Europe. Boethius is said to have translated the first book; but in all probability this pretended translation only refers to the mere description of the four first books which that writer gave, and which continued for a long time to be the only text book

on the subject. The Saracens, who are reported to have destroyed the library of Alexandria (though their subsequent acquaintance with Greek literature would make one suspect they took the books out first), found the treasures of geometry, which the northern barbarians had extirpated throughout the West, and began the task of translation, though not until they had been in possession of Alexandria nearly a century and a half. Translations of Euclid were made under the auspices of the caliphs Haroun al Raschid and al Mamon (we follow D'Herbelot in the spelling); and there was a considerable number of commentaries and abridgments. There were also, a little later, two celebrated translations, which became known in Europe. The first by Honein Ben Ishak (who died A.D. 873), which was corrected by Thabet Ben Corrah, an astronomer of unlucky fame (A.D. 950), who revived a notion of some of the Greeks, which gave a large motion of trepidation (as it has been called) to the ecliptic. The second was by Nassireddin (died A.D. 1276) an astronomer of note, and for a long time the sole authority for Asiatic longitudes and latitudes among the Westerns. The Mahometans returned Euclid into Christian hands again, in the following manner. Athelard, or Adelard, a Benedictine of Bath, who travelled all over Europe and the East for his improvement, brought back with him Euclid, and probably other translations from the Greek. His epoch is well settled, since Bale describes him, as stating himself (in one of his treatises) to have been living in the year 1130. He is mentioned as a man of very extensive knowledge, and a devoted follower of Aristotle (a writer only then beginning to be generally read). He translated Euclid into Latin; and his version, instead of having lain manuscript to this day, as was once supposed, has been sufficiently shown to have been that which was first printed, and which kept its ground until the introduction of the Greek text. The first printed edition appeared in 1482; it was printed by Ratdolt of Venice, who informs us that the difficulty of printing diagrams was then overcome for the first time: and it bears the name of Campanus, but in an equivocal manner: at the end it is stated that the work of Euclid of Megara,* and the comment of Campanus, are finished. This Campanus is known to be the author of an almanac for the year 1200, though some have placed him later, and some earlier.

* A very common mistake of the time.

It was at one time supposed that the translation of Euclid was first made from that of Nassireddin, and, probably on such a supposition, that work was printed in Arabic at Rome in 1594. But a comparison of dates will show this to be impossible, be it either Campanus or Adelard who made it. Nassireddin was certainly in the prime of life when he accompanied the Tartar chief Hulaku, the grandson of Jenghis Khan, in the invasion of Persia, his native country (some said the renegade was the adviser of the expedition). This was about A.D. 1260, and his translation was most probably subsequent to his settlement as the chief astronomer of the conqueror. It may be, then, that the translation of Honein, or Thabet, by whichever name it is to be called, is the one which was used: there is, it is stated, a manuscript of this translation in the Bodleian Library, from which the question might be settled. M. Peyrard procured a proposition out of the printed Nassireddin to be translated, and found no very close agreement between it and the corresponding proposition of Adelard: besides, the Arabic work is a translation with a commentary, the Latin one a translation with a different commentary. There is, however, yet something to be said. According to D'Herbelot, Othman of Damascus, a writer whom he places between Thabet Ben Corrah and Nassireddin, without giving any more precise date, saw a Greek manuscript of Euclid at Rome, and found it to contain much more (forty diagrams more) than the Arabic versions to which he had been accustomed, which only contained one hundred and ninety diagrams.* He accordingly made a new translation, and as D'Herbelot does not mention Nassireddin at all as a translator, but only as a commentator, we are left to infer that in all probability Adelard obtained either the translation of Othman or some one based upon it, and that Nassireddin was but an arranger and commentator of the same.

The translation and commentary of Adelard (called that of Campanus) was printed in 1482, 1491, and again by the celebrated Lucas Paciolus, with additional comments, in 1509. As yet there was no news of any Greek text, until 1505, when Bartholomew Zamberti, of Venice, published a new

* So says D'Herbelot, but there must be some numerical confusion; for 190 diagrams would be the first six books, or thereabouts, and forty diagrams more would not serve for all the other books. The Easterns furnished Adelard with 497 propositions, being the thirteen books of Euclid, and the two additional books of Hypsicles. The Greek of all this contains only 485 propositions; and there are 18 wanting, and 30 redundant, in the Arabic.

Latin version from the Greek; containing the elements, data, and other writings, in Latin, with critical notes. The elements out of this edition, the notes excepted, were reprinted by Henry Stephens, at Paris, in 1516, together with the Latin of Adelard: so that five folio editions of Euclid were published within little more than half a century after the invention of printing. This text of Zamberti shows what root the notion of Theon's editorship had taken. The proposition is always headed "Euclid," the demonstration "Theon:" and in the edition of 1516, Euclid is again the author of the proposition; the demonstration from the Greek is called Theon's *commentary*, and that from the Arabic Campanus's *commentary*: while in the two last books, the demonstration is Hypsicles' *commentary*.

We now come to the Greek text, and may here explain our particular object in writing this article. The Greek text of Peyrard, in three volumes quarto, which will presently be more particularly described, has been hitherto a scarce book in England, and even in France it seems to have gone out of notice. A little time ago, however, we were surprised by procuring a very new-looking copy, and by finding that it could be got both in England and France. We have no great difficulty in explaining this: there is a tide in the affairs of books, which taken at the flood, leads on to the second-hand shops, and empties the publisher's warehouse. But if the book be too heavy for this tide to float it, and yet too valuable to come in a short time to wrap up figs and sugar, it remains in the publisher's hands, and is called *stock*; not that it pays any interest, but because it stands stock-still. When once a book is well abroad in the world, and comes to be known of the second-hand booksellers, the true preservers of books, it never goes out again; but a book may remain publisher's stock for many a year, as we very well know. Dodson's *Mathematical Repository*, published in 1743, was let out of somebody's stock a few years ago, and, all of a sudden, the second-hand shops all had copies, *uncut*. Barlow's tables remained in the publisher's stock long after the second-hand booksellers had begun to mark it "scarce": Sir J. Herschel's edition of Spence's writings was snug in Edinburgh for twenty years, while the second-hand booksellers wondered they had never seen a copy, and almost considered it a supposititious publication: the translation of Nassireddin, already noticed as published in 1594, was, according to Brunet, in stock at Florence in 1810. When, therefore, we saw Peyrard, as

good as new, uncut, and with a paper cover as fresh as if Bachelier had just announced it, we knew that the chain was broken somewhere, and that it would begin to make its appearance like a new work: we did not remember having seen it reviewed, and we considered that the subject would possess interest in a country which has, more than any other, adhered to Euclid.

The first Greek text (containing the Elements in fifteen books, and the Commentary of Proclus) was published at Basle, in 1533, by Hervagius, under the editorship of Simon Gryncæus, dedicated to Cuthbert Tonstall, bishop of Winchester and London, well known to mathematical antiquaries for his treatise *De arte supputandi*, and to theological historians for his resistance to Henry's divorce. Two manuscripts were employed, furnished by private friends, and one of Proclus, which was procured from Oxford. Various editions followed, which it is unnecessary to cite, because they were all taken, as to text, from the Basle edition. It may be necessary, however, to remind the reader that in this century there was a fashion of publishing Greek mathematicians with the enunciations only in Greek and Latin, and all the rest in Latin: a practice, no doubt, arising out of the notion already alluded to, that nothing but the enunciation was Euclid's. But it was imitated in editing other writers, Archimedes for instance: and a Greek and Latin title-page made bibliographers (those men of title-pages) slip down "Gr. Lat." in their lists. In this way it would cost nothing but an overhauling of catalogues to furnish out a dozen Greek Euclids of the sixteenth century; particularly if we followed the catalogists in another of their errors. Our readers ought to know, or, not knowing, ought now to laugh at, the story of the *nouveau riche* who would be learned, and bought books in large numbers, but after a time wrote to his bookseller complaining that if he must have nothing but Operas, he would rather they were not all written by Tom. A great many titles, as they stand in catalogues, are really Tom's Operas: there are So-and-so's Works, containing &c. &c. (one or two of them); the catalogue maker has down Mr. So-and-so in a moment for a complete edition, looks at the bottom of the page, writes down a place and date (a wrong one, maybe) and passes on.

The next original Greek text was that published at Oxford in 1703, containing all the works of Euclid, certain or reputed, and edited by David Gregory, then Savilian professor.

The University of Oxford has the honour of having published the best editions of the three great geometers, Euclid, Apollonius, and Archimedes. In mentioning the first it may be worth while to give a slight account of all. The design of printing Greek mathematics on a large scale originated with Dr. Edward Bernard (died 1697), who preferred the Savilian chair to preferment in the Church, that he might organize a large system of recovering and combining mathematical antiquities. Henry Savile himself, the founder of the chair, was a diligent collector and collator of manuscripts, and possessed several of Euclid, which he bequeathed to the university. And he did not abandon his chair to its first professor, until he had filled it himself time enough to deliver thirteen lectures on the foundation of Euclid's elements, which were published the following year, in 1621. Dr. Bernard did not complete any of his design, but only left behind him a synopsis of it, describing the contents of fourteen intended bulky volumes; to wit: 1. Euclid; 2. Apollonius; 3. Archimedes; 4. Pappus and Hero; 5. Athenæus; 6. Diophantus; 7. Theodosius, Autolycus, Menelaus, Aristarchus, Hypsicles; 8-14. Ptolemy. *Quantus Scriptor!* he adds, and well he may. These volumes were to contain commentaries, selections from the moderns, &c. It is singular enough that the three first volumes (the commentaries, &c. excepted) have been published, and that in the order proposed by Bernard. And now we are to ask, when is the Oxford edition of Pappus and Hero to appear? There is no writer who more requires the publication of an edition than Pappus; and as the Archimedes was executed by a foreigner, and published by the university, we shall be curious to see which takes place first; the preparation of a good edition by an Oxonian, or the presentation of one from abroad. It can hardly be doubted that, if it were worthily done, Oxford would feel it an hereditary duty to defray the publication. "*Neque gravata est Acad. Oxon. in patrocinium suum recipere quod Euclidi et Apollonio suo velut cognationis jure tertium Opus accederet,*" says Robertson in the preface to the Archimedes.

David Gregory, the successor of Dr. Bernard, used in his edition (folio, Greek and Latin, with hardly any notes or various readings) the manuscripts which Savile had left, "*in hunc ipsissimum usum,*" his notes on the Basle edition, &c.; and those of Dr. Bernard. A very careful collation was made by Dr. Hudson, the Bodleian librarian. The best testimony to this edition is the smallness of the number of what Peyrard

calls its "mendæ crassissimæ," one hundred and fifty-one in the whole of fifteen books of the Elements. The French editor had some reason (as we shall see) to feel a little galled; and the feeling must have been strong when he paraded under such a title (we take some consecutive ones from the commencement) that Gregory had let pass ἀνίσας for ἀνισας; ΓΗΘ for ὁ ΓΗΘ; τῷ ἐλάσσονι τὸ μείζον for τὸ ἐλάσσον τῷ μείζονι; τῶν for τῆς; τοῦ for τοῦ ἀπὸ τοῦ; τῆς for τοῦ; ἡ for τοῦ; &c. We shall by and by examine M. Peyrard himself on such points.

The edition of Apollonius appeared in 1710, under the care of Halley, the successor of David Gregory; and even Peyrard would be obliged to admit it to be the best printed Greek text, for it is the only one: but it would not be easy to edit another with more care and success. The Archimedes was not published till 1792. Joseph Torelli of Verona had prepared every thing for press with great care, and the University of Oxford, through Earl Stanhope, had negotiated for being allowed to print it. Torelli refused, during his life, to let the superintendence pass out of his own hands; but he having died, his executors saw no other way of procuring publication than by renewing the old negotiation, which succeeded.

M. Peyrard was a scholar, and an admirer of Euclid, who published in 1804 a French translation of the first four, the sixth, eleventh, and twelfth books of the elements, *leaving out the fifth book!* and a translation of Archimedes (a very good one) in 1808. He undertook to publish the complete text of Euclid, Archimedes, and Apollonius; and, beginning with the former, proceeded to examine the manuscripts of the elements, which are in the Royal Library at Paris, 23 in number. He soon found one, marked No. 190, which appeared more complete in some parts, and less redundant in others, than any of the rest. It also had much the advantage in antiquity, having all the characters of manuscripts at the end of the ninth century. This manuscript had lain in the Vatican Library long enough, said the French, who paid a visit to Rome some time or other in the last century, and found plenty of things which they thought the Pope could do without. Monge, who has so many better titles to fame, was searching the city with the eye of a hawk and the nose of a greyhound for spoil, and found out the manuscript in question, which, with others, was sent to Paris. We know how Peyrard styles such a transaction both in Latin and French (his preface is in both languages): "il fut envoyé

de Rome à Paris." "à Româ Lutetiam fuit missus." This is very bad scholarship; *missus* in Latin never bore the sense in which the French then used the word *envoyé*. When the time came for restitution, permission was obtained for this manuscript to remain in the hands of Peyrard until his edition was completed, one volume only having then been published (in 1814). Two more followed in 1816 and 1818, and here the work closes; having been originally intended to include all the writings of Euclid. It contains the thirteen undoubted books of the Elements; the two of Hypsicles; and the Data: the first and third of which M. Peyrard considers as the only writings of Euclid, without giving any reasons for the rejection of the others. This is a convenient plan enough, but one which tends to destroy confidence in the follower of it. To take issue on a single point;—Pappus, in the commencement of his sixth book, refers to the second proposition of Euclid's *Phænomena*: on looking into the book of *Phænomena* which has come down to us under the name of Euclid, we find the second proposition of that book to contain the matter of Pappus's reference. Now the latter has always been considered as very good authority on the mathematical writings of the ancients: we do not say M. Peyrard was bound to follow him; but, if only out of decent respect to the whole of the learned world, and to avoid being thought to have practised a mere evasion, he ought to have favoured his readers with some reason for rejecting such testimony as that of Pappus. M. Peyrard has added the various readings of the Oxford edition, and of the twenty-two manuscripts which lawfully belonged to the Royal Library at Paris: having himself generally followed the one marked No. 190, which, as above explained, was "sent" to Paris. Before we enter further on this work, we mention one more new text which has appeared since that of Peyrard.

This is an unassuming octavo volume published at Berlin in 1826, by Ernest Ferdinand August. It contains the Greek text of the thirteen books of the Elements (without Latin), some historical notes, various readings, mostly from Proclus, Peyrard, and Gregory, with some from three manuscripts belonging to the Library at Munich. It appears to us to be very judiciously done, and very correctly printed, as to the Greek. Not but that we entered upon it with a little bias against the author, when we saw in the first page of the preface that Tonnstall was printed Constall, and in the second, that Bart. Zamberti of Venice, and Candalla, two very distinct

persons, were represented as Bartholomeus Venetus, and Zambertus Candalla. Such things, however, seem exceptions.

Thus on the whole it appears that the present text of the *Elements of Euclid* depends upon about thirty-five manuscripts, few of them however containing the whole; the results of which are presented in the four editions of Basle, Oxford, Paris, and Berlin.

The particular point which most strikes a reader of Peyrard, is his preference for the Vatican manuscript, and his contempt for the editions of Basle and Oxford. We do not wish to be considered as thinking lightly of the French editor, to whom, as admirers of Euclid, we feel under singular obligations. Every scholar will admit that, by the description given of the Vatican manuscript, it was most desirable that an edition should be founded upon it, and that there ought to be a decided partisan of the said manuscript to do it. All the various readings are given in such a manner that the reader has before him the Vatican manuscript, the Oxford edition, or a compost of the twenty-two manuscripts of the Royal Library, whichever he pleases. But, while acknowledging freely the real and substantial addition which Peyrard has made to our knowledge of Euclid, we are compelled to say, that he gives no testimony of that scholarship which would make his individual opinion valuable, nor of that care which would give him a right to speak as he has done of his predecessors. We are afraid, moreover, that the animosity which his countrymen naturally felt towards England in 1812-1818, has coloured his views materially. In an ephemeral production, we should not have thought it worth while to notice such a *misère*: but, having before us the very careful edition of Gregory in 1703, and finding by subtraction that from 1703 to 1816, it is one hundred and thirteen years, we look forward to A.D. 1929, and picture to ourselves the smile with which any critic of that day, French or English, will, after wondering what could make Peyrard undervalue an edition so much more correct than his own, suddenly recollect that the battle of Waterloo was fought in 1815.

The French, for the last half century, have not been conspicuous cultivators of Greek; and it was notorious that of all the *savans* of the Bonapartean era, no one but Delambre was tolerably well versed in that language. There was hardly such a thing as a school of classical criticism in the country: and this being taken into account, the merit of Peyrard is much enhanced by the very circumstances which prevented

his book from being what it would have been, if he had been a German. As soon as the first volume of the translation was finished and printed, it was referred by the Minister of the Interior to the two classes of the Institute, that of literature, and that of mathematics. The latter class appointed a commission, consisting of Delambre and Prony,—that is of Delambre, for Prony was not, we believe, a scholar. But if Peyrard himself had dictated the report (and we shall cite something curious on this point presently) he could not have had his ideas more completely adopted. The Oxford edition is the mere copy of that of Basle, though *it passes* for the best of all—M. Peyrard is a judicious editor,—the misprints, inevitable in a work of this nature, are much fewer than those of the Oxford edition of Archimedes—the work fulfils *all* the conditions that could be exacted—and the edition is evidently superior to all the rest. On the first point, namely, that the Oxford edition is a servile copy of that of Basle, Peyrard had forgotten to give his counsel proper instructions. Had he read* the preface of Gregory, he would have known better. But the information that errors are fewer than in the Oxford Archimedes, is a curious little bit of information, and contains some generalship. Why did they not say fewer than the Oxford *Euclid*, which would have been more to the purpose; especially since Peyrard had signalized this as the incorrect Basle edition with new faults of its own? Why, simply because the *reporters themselves* had detected in the seven first books—about the third part of the whole—more than two-thirds as many misprints as Peyrard's research had detected in all the fifteen books of Gregory. It was much safer, therefore, to bring in the Archimedes, which they took on Peyrard's word to be full of faults (*fourmille de fautes*); though they did not see what a very modified compliment they thus paid. Peyrard's faults are worse than the *mendæ crassissimæ* of the Oxford edition; Gregory's eye, though it sometimes passed one Greek word for another, never let slip one that was not Greek: Peyrard let go *σκέαις* for *σχέαις*; *τριῶσι* for *ποιῶσι*; *μεγέθεις* for *μεγέθυς*; *πρῶτως* for *πρῶτος*; *ἐφαπτήται* for *ἐφαπτηται*. And yet the sheets were first read by himself, then by M. Jannet, then by M. Patris, and then by

* He read one part, at least, very incorrectly. He tells us that Gregory admits that all the writings, except the elements and data, are very evidently not Euclid's. Gregory admits no such thing; of some he properly doubts; of some he expresses no doubt.

himself again; and no one was sent to press until every error had been corrected, or, as the printers say, a perfectly clean revise was always sent back. Besides this, M. Nicolopoulo, of Smyrna, read a large number of the proofs. All this reading rather surprised us; and it also puzzled us to understand how Delambre and Prony came to examine so minutely as to detect a misplaced accent, or a wrong aspirate. Did Peyrard furnish them with a list of his own, to make their report look more minute? We should not breathe such a suspicion, if it were not for a curious circumstance which we will now explain.

Peyrard sometimes forgets that he is editing Euclid of Alexandria, and shows some disposition to restore Euclid of Utopia. In *all* manuscripts, the seventh of the first book has only one case, that in which the vertex of one triangle falls *inside* the other not being considered. Of course all commentators have supplied the deficiency; Grynæus and Gregory let Euclid stand. The case is plain enough; *aliquando bonus dormitat geometricæ Homerus*, and Euclid took the case of the vertex of one triangle falling within the other as obviously impossible. Peyrard thought that he could make one demonstration do for both cases, by drawing the second figure, and adding a few words: this he informs us in his preface he has done, and Delambre and Prony assure us in their report that he has drawn the new figure, and added a line, which they tell us is *entre deux crochets*. Looking to the various readings at the end, in which Peyrard puts his own text in one column, and that of the Oxford and the manuscripts in two others, we find that, at the reference 3, the words $\kappa\alpha\iota\ \alpha\iota\ \text{B}\Gamma, \text{B}\Delta\ \epsilon\kappa\beta\epsilon\beta\lambda\eta\sigma\theta\omega\sigma\alpha\upsilon\epsilon\iota\pi'\ \epsilon\upsilon\theta\epsilon\iota\alpha\varsigma\ \epsilon\pi'\ [\text{sic}]\ \tau\alpha\ \text{E}\text{Z}$ are part of the text; on which Peyrard remarks, *Desunt in omnibus codicibus et in omnibus editionibus*. Well then, we turn to the text; we find no such words in the whole proposition, we find no second figure added, and, to three words or so, everything as in the Oxford! Grant for a moment that the reporters looked at the various readings instead of the text, as would have been their best plan in the first instance, where did they find the crochets? They were evidently examining a printed work, for they detected misprints; where were the crochets? Perhaps such things would not remain in the text, but flew off, by the laws of attraction, into the heads of the examiners, carrying with them the intercepted words. And if they got their information from the various readings, how came they to overlook $\epsilon\pi'\ \tau\alpha$ for $\epsilon\pi\iota\ \tau\alpha$, they

who made eighteen corrections, by their own account, in these very various readings. Or was this the state of the case; did Peyrard furnish them with the materials of the report, and a list of errata to look business-like, telling them what he meant to do with the seventh proposition, and did do in the list of various readings, but forgot to do in the text? We regret very much being forced upon this supposition, but we ask any candid reader how it is to be avoided?

The class of literature evaded the question of the minister, in a short letter from their secretary, in which they administer what may be called a rap on the knuckles to the worthy, but too self-sufficient, editor. After referring to the report of the other class, with which the subject had most to do, they observe that the text seems (*lui a paru*) more correct in the new edition—but that the Basle edition (no mention of the Oxford one, February 26, 1814) though containing some misprints, not so many as is commonly thought, and easily corrected, will always be precious to the lovers of Greek literature—that the new edition was carefully done, but that some errors had crept in, particularly towards the end of the volume.

The Berlin editor, E. F. August, has insinuated his opinion in the following manner. After describing the Oxford preface, he adds, “*Atque revera tanta cura hæc editio instituta est, ut digna esset, qua per totum seculum matheseos studiosi nec Græci sermonis inperiti uterentur.*” After a similar description of Peyrard’s preface, with a preliminary compliment to his labour and industry, he says—not one word. In the fifth proposition of the sixth book (the only one which he thus treats) August has pointed out five misprints, no one of which is in the Oxford edition. We ourselves sat down with the determination to read till we came to an erratum not noticed in the list: we took the first proposition of the fifth book, and at the eighteenth word of the demonstration we found our mark; *πολλαπλασίον* for *πολλαπλάσια*, the Latin is *multiplices*. We feel then, from all these things, that Peyrard’s Euclid is by far the most incorrectly printed edition which exists. For ordinary mathematical students, we should decidedly recommend the Berlin edition, which is more easily obtained than the Oxford, of which it possesses the merit, without the inaccuracies of the Paris edition. It also gives the principal points of the Vatican manuscript. At the same time, the critical scholar will feel that he is not in possession of Euclid unless he have by him the edition of Peyrard, for the sake of the manuscript just mentioned, the

twenty-two others, and their comparison with the Oxford edition. And though Peyrard was not what he imagined himself to be, yet from that to absolute insignificance is a *longum intercallum*, of which a little indulgence, no more than due to his intentions and industry, may put him at the point of bisection.

From the Latin and the Greek we may pass to the English. The first English dream of geometry was the *Pathway to Knowledge*, by Robert Recorde, published in 1551, containing no system of demonstration, but "one book of conclusions geometricall," and "one book of theorems geometricall." The first contains the problems of the first four books of Euclid constructed; the second the theorems in the same books described without demonstration. This is done after the example of Rheticus, and "that wittie clarke" Boethius. Euclid is mentioned once, in a manner which shows that Recorde considers all demonstration to be the work of "Theon and others that write on Euclide:" the old story again. This work of Recorde is as much an edition of four books of Euclid as some others that went by that name in his day. But nothing that can properly be called by the name of Euclid was published until 1570, in which year Sir Henry Billingsley (who Dee tells us was the translator) published an edition containing the whole of the fifteen books, with all manner of commentaries, and an additional book on solids by Flussas; together with a long preface and notes by John Dee. Had it not been for Dee himself, in the catalogue which he subsequently published (in his epistle to the archbishop of Canterbury), it would never have been known that the worshipful Sir Henry Billingsley was the translator: and considering that the plan, preface, and notes are Dee's, and that the worshipful knight is altogether unknown, it must be presumed that he worked under Dee's advice and direction. The name of Billingsley does not occur either in the first edition or the second and last (1671); and we have always had a firm persuasion, that the knight was either Dee's pupil, working under his directions in the mechanical translation, or his patron, who had bought the credit of the edition. We shall not speak here of Scarburgh, Barrow, Cotes, Simson, Horsley, &c., except in general comments where occasion arises: we shall merely add, on this branch of the subject, that the Clarendon press, besides the best Greek version, has also produced the most English Euclid, in the most Euclidean English; we speak of the translation of the thirteen books,

by James Williamson, Oxford, 1781, in 2 vols. 4to. The translation is here as literal as any authorized version of the Bible; and, in like manner, the additional words of English necessary to complete the sense are inserted in italics.

As to the editors who amend to their fancy, and then say, this must be what Euclid wrote, we have of course nothing to do with them, writing as we now are upon evidence and evidence only, and being exceedingly dubious of *the fact* that Euclid, any more than Thucydides, wrote otherwise than as it is set down that he wrote in the remaining manuscripts. If these be corrupt let them be restored, if possible, by context, by comparison, or by good conjecture within the most approved canons of criticism. If, after all, the Alexandrian Greek will not do to teach geometry by (which is quite another question) let him be amended or abandoned, but let not such amendments be called Euclid. Robert Simson producing that which he thinks best, in the way of addition, alteration, or comment, is not only bearable, but admirable; Robert Simson declaring that whatever he thought Euclid should have written, must be that which Euclid did write, is a false critic, and a teacher of falsehood, though of course not intentionally; Robert Simson declaring that he had discovered, by reflection, words and sentences of Euclid which had been buried in oblivion for ages, was not one whit less absurd than the discoverers of hidden treasures by the divining rod: and those who printed Robert Simson's notes in school Euclids, were guilty of great inconsistency, unless they could excuse themselves by saying they intended to destroy any notions of sound criticism which a youth might acquire from the notes to his classical authors, by the perusal of those attached to his mathematical guide.

It is much to be regretted that the solid initiation which Euclid enables the student to obtain, is beginning to be abandoned; and if there be one thing more than another which the friends of liberal education should bestir themselves upon, it is the defence of this unequalled system. "Lagrange," says Peyrard, "often repeated to me that geometry was a dead language; and that he who did not study geometry in *Euclid*, did exactly like one who learnt Greek and Latin by reading modern works written in those languages." We may trace the consequences of the abandonment of Euclid in the general state of elementary writing in every country in which it has been abandoned. Algebra, left to the habits which it forms without geometry, always grows lax in its reasonings; and those who

have lost Euclid, have always formed a less rigorous system. If we could find any tendency to deny these assertions, we might argue the grounds on which such denial was made: but no one pretends to show the substitute for Euclid; no one professes that algebra* is everywhere of equal rigour. Some desire mathematics only as an instrument in the investigations of physics: let them have their approximative system, by all means; but we are now speaking to those who think of the formation of the mind to the utmost exactness of which it is capable, and who see clearly that it has pleased God that the higher and finer parts of civilization should be much advanced by the cultivation of critical accuracy in all things in which it is attainable. To be brought by degrees to the keenest perception of truth and falsehood, is the highest intellectual hope of man. Now in this process there is, so far as mathematics are concerned, no commencement like Euclid; a writer who seized realities, separated the necessary characters from all that was artificial or conventional, and took the ground on which the beginner could appreciate what he was doing, in a manner which never was equalled, and probably never will be. When we look at his rude, but certain, mode of exhibiting to the young mind, not yet prepared for the nicest distinctions, the raw material of its own conceptions, and using it in a manner which obtains such an instantaneous and intuitive assent as never could be given before to anything in which there was progression from one idea to another, we think we see that mind first feeling its own feet, and learning the possibility of walking alone. Its faint and tottering steps may indeed need the strong support of which it is conscious, but there is a hardness in the ground, and a success in each successive step, which gives an increasing confidence in the future. Many and many a student, mystified by algebra, as taught in its principles—amused to contempt by a science of which (to him) the subject-matter is all conundrum about apple-women, who tell each other how many apples they have got in language which needs an equation; and men who buy flocks of sheep at prices which can only be told by completion of a square and extraction of a root—many such students, we say, have only their Euclid to give them any idea of what

* It may be hoped that algebra will be thoroughly rigorized by the views which have lately been promulgated; but the time may be distant at which these views can be made the elementary foundation of the subject; and even then, it may be found that its abstract nature requires a strength of mind previously drawn from geometry.

real science is: that is, at the commencement of their career. They may afterwards find algebra to be what could not have been guessed from equation books; but were it not for what they see from the beginning in geometry, they would have no encouragement to hope for either light or knowledge, from the first year's study.

Independently of the positive superiority of Euclid, there is a strong reason for retaining his system, drawn from the frailty of humanity. There is no reasonable prospect of retaining sound demonstration if Euclid be now abandoned; for it is evident that such abandonment as has been made, has arisen from a disposition to like easy laxness better than difficult rigour. We will not speculate upon what *might* be substituted for the Elements, when we have reason to know what *would* be substituted: the former question may be adjourned until the advocates of change show themselves to be really actuated by a love, not of scientific results, but of scientific truth. As long as Euclid is in request, be it only by a minority, the majority are ashamed of more than a certain amount of departure from soundness: but the direction of that departure shows clearly enough what would take place, if, instead of merely retiring into the darker places, the *algebraists* were allowed to put out the light altogether. There is not a better work, next after Euclid, than the Geometry of Legendre; which, when the dangerous elements are past, has an elegance unknown in Euclid himself. But, considered as an exposition of geometrical principles, it is hardly worth a passing notice: the first books are a mixture of arithmetic and geometry, in which the province of the two sciences is confounded, or they are made, in all points of real difficulty, to darken each other; while Euclid, by keeping them distinct till the proper time, has made each help the other. In Legendre, the horse and foot are in alternate ranks, instead of separate regiments; and one part of the service is always either cramping the movements of the other, or getting tripped up by it. When the two *arms* are likely to quarrel, a general order comes from head-quarters in the shape of a *supposition*, or an *imagination*: "par exemple, si A, B, C, D, sont des lignes, on peut imaginer qu'une de ces quatre lignes, ou une cinquième, si l'on veut, *serve* à toutes de commune mesure." (Book III., note on the definitions.) How nice! Legendre knew as well as any body that there are abundance of cases in which lines *have no common measure*: then, says he, you must *imagine* a line

which *serves* as a common measure to them all, a sort of acting common measure, which does the duties, and receives the pay and appointments, under a commission signed by the imagination. Euclid, stupid Euclid, had no imagination. The stark staring nonsense which we have quoted, and which can only be treated with ridicule, is but a sample of what we may expect, if we abandon what we have, before we have received something better. Lacroix, to whom elementary writing, in everything but geometry, is more indebted than to any other man living, does not proceed quite so absurdly; but he only escapes at the expense of declaring geometry to be an approximate science. He proves that a common measure may be found with an error *imperceptible to the senses*, and on such a common measure he founds his geometry. Let such ideas take clear possession of the field, and we should soon come to this—that algebra would be held perfectly sufficient, and that all which is necessary at the outset might be proved by a ruler and compasses, or by an imagination, according to the taste of the learner; nay, even an act of parliament would perhaps be thought sufficient.

The senate of the University of London (not what *was* the University of London, now University College, but the body which was chartered in 1837) in the announcement of the qualifications required from candidates for the degree of B.A., specifies the following amount of knowledge in geometry: the first book of Euclid—the principal properties of triangles, squares, and parallelograms, treated geometrically—the principal properties of the circle, treated geometrically—the relations of similar figures—the eleventh book of Euclid to Prop. 21. We do not think this attempt to abandon Euclid a particularly happy one. The first article seems to be a concession to true geometry, by way of compliment to the vigorous growth which it has heretofore gained in our country. The second might be mended in two ways; squares and parallelograms looks like Londoners and Englishmen, or cats and animals, while *treated geometrically* is a puzzle. Does it mean that a young student, who must learn the first book of Euclid, is at liberty to deduce the properties of squares and parallelograms which he does not find there, in any way which he pleases, from any other system? The same question may be asked of what are called the principal properties of the circle; and if the answer be in the affirmative, we cannot but wish the new University would have taken a page out of the book of the old ones; while if it be in the negative, we may

well ask, why it was not simply required that the candidates should have studied the first *four* books of Euclid? Next come the relations of similar figures, no doctrine of proportion being mentioned except what in a preceding part of the same list is called *algebraical* proportion. Here again a doubt arises, as to what is to be learnt: will it do if a student come with Legendre's acting common measure, or Lacroix's tiny errors *qui échappent aux sens par leur petitesse*? These are questions which many of the well-educated portion of the community will ask themselves before they make up their minds to think the B.A. degree of the London University a worthy object of ambition for their sons: these are questions which the enemies of the liberal cause will answer their own way in their own minds: they will turn to the ancient institutions, which, whatever may have been their faults and their prejudices, have kept the ark of liberal knowledge among us through centuries upon centuries, and will say with a smile, and what is worse, will be justified by the event, that the London University will be a mother of learning when Oxford and Cambridge are defunct—but not till then. Hoping for a better result, we trust that the day is not distant when *methods* will appear of more importance than *mere matters of conclusion* to those who guide the new institution: a very few years will point out the working of the present chequered scheme.

We shall now turn our attention to one point of the text of Euclid on which lawless alteration has been perpetrated, in what are called the *axioms*. Euclid distinguishes three preliminaries to geometrical discussion: *definitions*, in which he is not metaphysically anxious to satisfy any canon of definition, but only to be very sure that his learner shall understand of what things his words speak; * *postulates* (*αἰτήματα*), demands upon the sense of the reader, without which he professes to be unable to proceed to reason on the properties of space; *κοινὰ ἔννοια*, common notions, matters of intuitive assent, which are either common to all men, or common to all sciences (most probably the former; if the latter, the question about to be discussed need not be entered upon), which must be granted, because it is matter of experience that all men do grant them, even those who never heard of geometry. The

* All the objections made to Euclid's definitions, distinctly show that the objectors knew what Euclid meant: that is, that so far as they were concerned the definitions were good.

postulates are six in number (we translate literally from Euclid): 1. Let it be demanded from every point to every point to draw a straight line. 2. And to produce a terminated straight line continually in a straight line. 3. And with every centre and distance [from that centre] to draw a circle. 4. And that all right angles are equal to one another. 5. And that if a straight line falling on two straight lines make the angles within and towards the same parts less than two right angles, those two straight lines produced indefinitely will meet towards those parts at which are the angles less than two right angles. 6. And that two straight lines cannot enclose a space.

The common notions or opinions are: 1. Things equal to the same are equal to one another. 2. And if two equals be added the wholes are equal. 3. And if from equals equals be taken away, the remainders are equal. 4. And if to unequals equals be added, the wholes are unequal. 5. And if from unequals equals be taken away, the remainders are unequal. 6. And the doubles of the same are equal to one another. 7. And the halves of the same are equal to one another. 8. And things which fit one another are equal to one another. 9. And the whole is greater than the part.

The distinction drawn by Euclid, between that which the learner is now to grant, and the recapitulation of that which he always has granted, is clear and natural enough. Archimedes (in the sphere and cylinder) introduces, for the first time in geometry that we can find, the word axioms (*ἀξιώματα*), things thought worthy (of something): the worthiness is worthiness to precede discussion, for the axioms of Archimedes are only definitions, pure verbal definitions, with mere statements preliminary to definition. Torelli translates the word *pronuntiata*, and Eutocius in his commentary fairly calls them definitions; his own *postulates* Archimedes calls *λαμβάνόμενα*, things taken. Geminus, according to Proclus, taking the distinction of theorem and problem, which was established by his time, though Euclid knew nothing about it (for *πρότασις*, proposition, is all the heading that Euclid gives), chose to fancy that a postulate and a common notion should become a postulate and an axiom; and that the postulate should be of the nature of a problem, something to be done; and an axiom of the nature of a theorem, something to be proved or made evident. Proclus wants to give into this idea, but had not enough of Robert Simson in him to alter his manuscript, in which five postulates existed, the sixth (two right lines can-

not inclose a space) having been removed among the common notions by the writer. And thus Euclid rested, all (including the celebrated Vatican MSS.), except two, of the manuscripts of Peyrard;* some (he does not say how many) of those of Gregory; the Greek from which Zamberti took his Latin; the printed Arabic; the translation of Adelard from the Arabic; the summary of Boethius, who suppresses the last postulate entirely; the newly-examined manuscripts of August;—place the fourth and fifth postulate as in the list given above, and many the sixth also. But Gryncæus, for it cannot be traced higher, in the Basle edition, carried the views of Geminus into complete operation, and put the fourth and fifth postulates (as they were called) among *common notions*! We do not know how far he was followed before the time of Gregory, not having thought it necessary to look over any more texts for the purpose of this article than those which give new readings; one only we have before us, the anonymous Greek of 1620, attributed to the celebrated Briggs, (Ward, p. 127) which follows Proclus, and gives five postulates. Gregory, who followed the Basle edition somewhat too often, coincided with Gryncæus, against the practice of his predecessor Savile, who rather approved the notion of Geminus, but still allowed five postulates to remain. The texts of Peyrard and August have restored Euclid's six postulates, which seems to us common sense. Distinguish postulates into demanded problems and demanded theorems, if any one pleases, but in the name of arrangement, how can the celebrated demand in the theory of parallels rank under the same head as that "things which are equal to the same are equal to one another." The misplacement of this axiom about parallels has cost many a trial at this old difficulty, and procured Euclid all manner of reproaches which he did not deserve. He has been made to say, "I give you this common notion as a most self-evident theorem;" whereas he only said, "whether this be easy to you or not, I can't proceed till you grant it." And let it be observed, that none of the opponents of Euclid's text cast a thought upon the absence of "axioms," and the use of "common notions." The word axiom had got into their heads: thus Barrow, after a long and cloudy lecture about principles,

* In nine manuscripts (the Vatican included) the fourth and fifth are postulates; in none, common notions. In four manuscripts (the Vatican included) the sixth is a postulate; in seven, a common notion.

axioms, &c. with a full consideration of Aristotle, Proclus, &c. decides that Euclid was inaccurate (hinting at the same time a doubt of the correctness of the text) when he made a simple demand, and called it a demand.

Such is a specimen of the manner in which the text of Euclid has been handled, and it will make many persons doubt whether they have ever read that writer, with whom till now they have supposed themselves well acquainted. We can assure them, however, that Robert Simson is, *when* he translates, as good a translator as he might have been a critic, if he had not had that unfortunate dream about Theon which we have related. He, or any editor, might judiciously have practised something like condensation after the first book; for from first to last, Euclid fights every step of the way as if he were arguing with an opponent who would never see one iota more than he was obliged to do. And in all probability this was actually the case. Watch Proclus's account narrowly, and it will appear most probable that this work of Euclid ushered connected demonstration into the world. We may think it very likely then that the prominent idea before Euclid's mind was, not "this proposition can be demonstrated," but "there is such a thing as demonstration." To such a leading notion it would matter nothing what the definitions were, as long as they were well understood between the two parties; nor what the postulates were, as long as they were what no one of the time objected to. Neither would it matter that every postulate should be expressed, since, in the absence of any thing like previous guide, it would be natural to insist only on those preliminaries which had already been agitated in the previous attempts which we must imagine to have been made. It is only in some such way that we can give anything like a surmise at the reason why Euclid has really several more postulates than the six which he places at the beginning of his work. For example, that if of two bounded figures, one be partly inside and partly outside the other, the boundaries must somewhere intersect, is a very admissible postulate, but quite as necessary to be mentioned as that two straight lines cannot inclose a space. This is taken for granted without mention in the very first proposition. Again, that if two straight lines meet in a point, they will if produced cut in that point; that a straight line of which any one point is within a bounded figure, must, if produced indefinitely, cut that figure in two points; that if two points lying on opposite sides of a straight line be joined, the joining line must

cut the straight line; that two circles may coincide in one point only, one of them being entirely within, or entirely without, the other; and perhaps some others—are all tacitly assumed. As to common notions, we might instance “things which are unequal to one another cannot be equal to the same,” which is frequently used, and might be set down in a list which contains “the whole is greater than its part.” It is not easy to see any probable reason for Euclid’s preliminary selection, unless it be admitted as such, that he was writing on the point of demonstration generally, with reference to some particular opponents, whose requisitions he knew, or thought he knew.

All the earlier editions of Euclid announce him to be Euclid of Megara, who founded a sect of philosophers in that town. Diogenes Laertius, Suidas, and Aulus Gellius, give some account of Euclid of Megara, but not as a geometer: Proclus and Heron, who give an account of the geometer, do not mention Megara: Plutarch alone calls Euclid of Megara a geometer. It may therefore be concluded that the verdict of later times is correct; and that the philosopher of Megara is altogether a distinct person.

We must now conclude an article which the bibliographer may think too concise, and the general reader too long. What do people care about old books and old editions? Little enough we are obliged to admit,—as little, in fact, as they care about accurate history. But every now and then an historical article is bearable; and many persons may just feel that degree of interest in Euclid which will enable them to glance at an account of the writer about whom they doubted when they were boys, whether his name was that of a science or of a man. Let them doubt on this point still, as much as they please, on condition that there shall be no coalition of the two designations, no joining of the names. May all good powers protect us from ever hearing Euclid called a *man of science*! We once read of him in a French book as *ce savant distingué*, and must confess we did not feel in a concatenation accordingly. But to return to old books: there are about them indications of old times which may be worthy subjects of ridicule to the modern man, who will himself be looked at in a similar light when his time shall come; or rather when his time shall be past, and the time of others shall come. What will our speechifiers at public meetings say to one which was held on the eleventh of August, 1508, in the church of St. Bartholomew at Venice;—present, the Rev.

Lucas Pacioli,* of the order of minorite Franciscans, in the chair; the diplomatic ministers of France and Spain; various men of learning not otherwise distinguishable; seventeen ecclesiastical functionaries; ten doctors and professors; fifty-nine physicians, poets, printers, (including the celebrated Aldus), and gentlemen without title; besides citizens of Venice. The meeting being constituted, the reverend chairman proceeded to business, namely, the opening of his explanations of the fifth book of Euclid. His address (of which we regret we have not room for a full report) was with some few exceptions (among which we may number his statements of the necessity of the doctrines of proportion to a full understanding of those of religion) as much to the purpose as if it had been delivered immediately after dinner at the London Tavern, or at any period of the day at Exeter Hall: at least after making due allowance for his profession, which prevented him from speaking against the Catholics, and for his utter ignorance of Irish affairs. The effect of his explanation was to induce one of the ecclesiastics present to declare by letter to another, that the fifth book of Euclid excelled all the others as much as those others excelled the writings of other men. This we know, because, oddly enough, the account of this public meeting, with the names of the persons present, and the letter just alluded to annexed (dated March 12, 1509), is inserted bodily in the edition of Euclid published (or at least finished) by Fra Lucas himself, June 21, 1509. It sticks between the fourth and fifth books; and looking at the date of the letter and that of the completion of the work, it appears that two hundred and thirty folio pages of close black letter were composed, or at least revised, in less than half the number of days. Oh Lucas Pacioli! what would he have said if he could have known that his lectures would have been one day dragged from their obscurity to prove nothing but the rate at which printing went on in his day.

* This gentleman, under the name of Lucas di Borgo, is a personage in the history of algebra; but those who persist in calling him Di Borgo, might just as well call Hobbes by the appellation of "Hobbes of," leaving out "Malmesbury." Lucas Paciulus de burgo Sancti Sepulcri, is his proper title.

- ART. IV.—1. *A Report of the Fishery Case, Poole Gabbett, Esq. v. Thomas Clancy, and Thomas Dwyer, tried before Mr. Justice Ball, and a Special Jury at the Limerick Summer Assizes, 1841, and which occupied the Court for over five days.* By William O'Brien, Limerick.
2. *Report of the Select Committee on the Salmon Fisheries of the United Kingdom, 1824.*
3. *Second Report of the Select Committee on ditto, 1825.*
4. *Report from Select Committee on ditto, 1827.*
5. *Second Report of the Commissioners of Inquiry into the state of the Irish Fisheries, with the minutes of evidence presented to both Houses of Parliament, 1836.*
6. *A Treatise on the Game and Fishery Laws of Ireland.* By John Finlay, Esq. LL.D. Barrister-at-Law. Dublin, 1827.

TO an Irishman with strong national feelings, there cannot be a more painful subject than to pursue the contrast between what nature intended that his countrymen should be, and what they are. Their natural qualities and capabilities are the theme of eulogy with every writer,—yet they, themselves, are treated by that nation with which they come most in contact, as objects of ridicule, oppression, and pity. Their bravery is unquestioned;—but they have been for ages slaves; their industry unparalleled;—but they have been for ages paupers. Their coasts, rivers, and harbours, are the finest in the world;—but they are without commerce. Their shores teem to an almost miraculous extent with fish;—but they are not allowed to touch them. Their soil is fertile beyond all others;—but they are not suffered to enjoy its fruits, or even deemed entitled to existence upon it. He would however soon sicken at the contemplation, and without going through all the melancholy details, would hasten to the inevitable conclusion, that nature intended that they should be the richest, the proudest, and happiest of God's creatures; but that they are the poorest, the most abject, and most wretched.

It would be beside our present purpose to attempt to trace the causes which have led to this lamentable result; our object in this paper being the very simple and unambitious one of examining, in detail, the legality of one of the many forms of material and palpable oppression to which our unfortunate countrymen are subjected. Any more galling species of oppression than that which we now propose to investigate, it is impossible to conceive. On the seacoasts, and on the banks

of the various navigable rivers of Ireland, there are hundreds of thousands in the deepest distress, debarred from the only sort of employment for which their local situation would seem to have destined them, and compelled to starve, while they behold the means of wealth and food, which the law of nature, and of England, and the universal usage of mankind, (Anglo-Irish excepted) allow to the first adventurous captor, passing away before their eyes, and appropriated to the use of a few individuals. God knows that they enjoy very little of the gifts, which He would seem to have designed for them; but that they should be prevented from appeasing their hunger, with the creatures which He brings and carries with the tides and seasons, and, as if to meet their daily wants, affords peculiar facilities twice a day for catching, and which, if not caught by them, may not be caught at all; that, in short, the fishes of the sea should be to them "forbidden fruit," is so monstrous an injustice, that in any other country, it would be incredible. That this injustice is illegal, is a proposition which we shall render as clear and unquestionable as any legal proposition can be, and make so plain and obvious, that no reasonable being can refuse it credence, or hesitate to conclude with us, that those who perpetrate this illegal injustice, differ from highwaymen in one respect only, that of preying upon the ignorance, instead of upon the fears of their victims.

Before entering into the consideration of the legal character of this species of oppression, we shall mention a few details relative to its origin, extent, and results. Every body knows that there is not a country on the face of the earth, which has suffered so much from the rapacity of its rulers as Ireland. From the first moment of Henry the Second's planting his foot upon its shores, the spoliation of the great mass of the people for the special benefit of a few needy adventurers has been the guiding policy of England. In the history of no other country do we find such a continuous series of confiscations. There is scarce a spot in the island, that has not been five or six times forfeited on one pretence or another. "Twere long to tell, and sad to trace" the steps, by which the whole country was gradually wrested from its rightful owners. In progress of time it became difficult to find a spot of ground in the possession of any one, from whom it was desirable to take it. This was a contingency which would puzzle greater philosophers than

the most ingenious of the sovereigns under whom it was the inexpressible felicity of our forefathers to exist. When, therefore, earth was not to be had, attention was turned to the other elements, and the result of some deliberation was the discovery, that the sea, and coasts, and navigable rivers of the island, with all that was therein, belonged to the sovereign by royal prerogative, as part of his private inheritance, and that he might give and grant them to whom he pleased, and leave the rest of the community to praise and magnify the benevolence and generosity that still allowed them the use of the common air, and did not bottle it up for the exclusive enjoyment of him and his favourites. Accordingly we find Elizabeth, James I, and his two successors, bestowing on various parties the fisheries of all the coasts and navigable rivers in the island, that it was worth any one's while to accept. The example thus set by the crown, of appropriating what it had no right to appropriate, was soon followed by the proprietors of lands on the coasts and on the banks of navigable rivers, where the crown had forgotten or neglected to exercise its newly-discovered prerogative; and thus the great body of the people were soon robbed of their ancient rights, and all the valuable public fisheries of the island were monopolised by the grantees of the crown and the owners of the adjoining lands. It is almost impossible to give a full and exact return of the number of fisheries that ought to be public which have been thus monopolized, but from the following return which we have compiled from the last official report on the salmon fisheries of these countries (that of 1836), our readers will be able to form some vague conception as to the immensity of the scale on which the Irish poor have been defrauded. Respecting the oyster, and other salt-water fisheries, we have not been able to obtain any details worth noticing, but from what we have learned concerning them, we have no reason to doubt that they been disposed of after the same fashion as the salmon fisheries. In the following return we pursue the order of the Report: where the claim of exclusive fishing is exercised under colour of law by patent, we add "patented,"—where by unvarnished force and fraud, or other means not stated in the report, we add "monopolized." The figures after the name of a river or bay, denote the number of miles the tide flows in it, according to the report.

In Meath and Louth: the Boyne, patented to the corporation of Drogheda; neglected by them—monopolized by others.

In Antrim and Londonderry: the Glenarm, Glenariff, Bush, Bann, from the sea to Coleraine, Foyle, 37 (31 only patented), and the coasts at their mouths, the Ballycastle and Port Rush coasts, patented. Lough Beg, four miles broad by four long; Lough Neagh, twenty miles long by fifteen broad, the largest lake in Europe, with the exception of those of Ladoga, Onega and Geneva (Finlay, p. 174); and the Bann, from Coleraine to Lough Beg, all fresh water, patented to the Earl of Antrim. (Rep. p. 10.) From Inishowen Head to the Giant's Causeway, monopolized.*

In Donegal: the Lennon, 4, Lackagh, Ballynass, Esk, Donegal-bay river and tributaries, and Erne from the sea to Lough Erne, patented: the Guidore, Guibarra, 10, Orea, Owentocher, Lochrismore estuary, Murvagh estuary, Eany and part of the bay into which it is discharged, monopolized.

In Leitrim: the Bunduff, Sligo bay and river, Easkey lake, river, and estuary, the Castletown, Bownona, and almost the entire coast patented or otherwise monopolized.

In Mayo: the Moy, from Ballina to the sea, the Ballycrooy and Newport rivers, monopolized.

In Galway: the Galway river, from the town to the sea, the Gowla and Birterbuy bay, the Dowries and Ballinakill estuary, the Culphin and adjoining coast, the Bunowen, Bundurra, and the Great Killery bay, &c. &c. patented.

In Clare and Limerick: the Shannon, 64, patented. Feal, 6, Maig, Fergus, &c. monopolized.

In Kerry: the Maine, 15½, Castlemaine harbour,† Laune, Kenmare river or bay, 25, and Roughty, monopolized; the Currane, patented.

In Cork: the Ilen, from Skibbereen to Baltimore harbour, patented: the Bandon and Glasson, patented and otherwise monopolized; the Middleton, monopolized; the Lee, partially monopolized.

In Waterford: the Blackwater, 20, Brede and Waterford harbour, patented; the Barrow, Suir, and Nore, monopolized.

In Wexford: the Barrow‡ and Nore, monopolized under pretence of patent.

In Wicklow: the Bray river, and the bay extending from Bray Head to Killiney and Dalkey island, patented.

* This fact we learn from the Report of 1824, p. 112.

† "But there are some public salmon fisheries in the estuary called bank fisheries."—Rep. of 1836.

‡ The public right is admitted in the deep water of the estuary; but the shores are claimed by patentees.—Rep.

In Dublin: the Liffey, partially monopolized;* a great part of the coast patented.

From the following particulars, which we have gleaned from the Reports before us, a conjecture may be formed as to the value of the property thus monopolized. According to the evidence of Mr. Little, one of the principal lessees of the north-western fisheries, the fish from each of the rivers Bann,† Foyle, and Moy, would be worth at least from £5000 to £6000 per annum, and in some years from £8000 to £9000;‡ the sale of salmon caught in them in 1835 amounted in Liverpool to £9000, in Manchester to £5000, in Bristol to £400, in Glasgow to £550, in Dublin to £300, in London (pickled) to £400, and in the neighbourhood of the rivers to £1800; in all, to £17,450; the annual average produce of the Foyle for the nine years prior to 1836, was 53,603 salmon, weighing 140 tons 14 cwt. 0 qrs. 14½ lbs. which, counting according to the mode there practised, 120 lbs. to the cwt. give 337,694½ lbs., and at a shilling a pound, the sum of £16,884. 4s. 6d.;§ and the quantity of salmon shipped by him and his partner to Liverpool from their Bann, Bush, Foyle, Ballina, Ballyshannon, and Port Rush fisheries, from 1808 to 1823 (including the shipments for the last year to London, Bristol, Glasgow, and Whitehaven) was 2134 tons 14 cwt. 3 qrs. 11 lbs.,|| which, at a shilling per pound, will be found to have made the enormous sum of £239,141. 3s. In some seasons the Port Rush fishery produces 18 tons of salmon, the Bush 15 tons, the Moy, at Ballina, 100 tons,¶ and the Ballyshannon 90.**

We have not been able to collect any authentic data with respect to the produce of other fisheries, but when such is the produce of those few small ones, which can bear no comparison whatever with those of the Shannon, Kenmare, and Blackwater, we may conclude that the value of all the fisheries from which the public are fraudulently excluded, is not under £500,000 a-year.

* The Dublin corporation formerly claimed the monopoly from Island Bridge to Poole Beg, and obtained a recognition of the *right* by 23 & 24 Geo. III, c. 40, s. 49; which, however, was repealed by the 26 Geo. III, c. 50, s. 23, as "their right in said district was not ascertained."

† "So plentiful are salmon there, that one thousand four hundred have been caught in one haul of a net, and one thousand at the succeeding haul."—Finlay, p. 175, note.

‡ Rep. of 1824, p. 129.

§ This calculation of the value is our own work.

|| Rep. of 1824, p. 107.

¶ Id. pp. 105-6.

** Rep. of 1836.

The injury thus inflicted on the Irish poor cannot be adequately described. In former times, when fish scarcely repaid the trouble of catching them, the pretended rights of the monopolists were not enforced with any strictness except in a few places; but since steam has accelerated the communication between the two countries, salmon has risen to an enormous price; the monopolists of course "protect" the fisheries, and the poor can never taste a fish, unless in asserting their rights they are willing to run the risk of transportation or imprisonment. The extravagant prices which the monopolists have now the conscience to exact, compared with those which were paid a few years past, are enough to drive the people to desperation. From a few instances the reader may judge of all. So injured has the fishery of the Lee been by the weirs above Cork, that though salmon was formerly an article of export from the city, it is now scarce and dear, and the fisheries up the river never send any to the market.* Yet on this river there is less monopoly than on any similar river in the country. In Kilkenny, "salmon used to sell for twopence a pound, and now it will be difficult to be got for pence."† In Antrim county, "in the early part of the season, as high as two shillings a pound has been obtained for" it.‡ In Limerick, salmon used to be so plentiful "that the bellman constantly went about town crying them at three-halfpence a pound;"§ now they sell at from 1s. 4d. to 2s. 6d. per pound in the spring.|| Mr. Little, to whom we have already alluded, says of the northern fisheries, that the people were hostile to them, because "before we exported the salmon to England from those fisheries, they got their salmon very low, probably at not more than three farthings, or a penny, or three halfpence a pound. Now that we export them to England, a salmon cannot be got here at those prices." "On the spot, of late years, we generally obtain 10d. a pound in the spring months, and in other months about 6d."¶

The various evil consequences of this system seem to have been forced on the attention of the committee of 1825. We find them asking Mr. J. Fisher, a witness by no means enthusiastic in behalf of the people, the following question:—"Can you conceive any more direct manner of improving the

* Second Rep. of 1825, p. 16.

† Rep. of 1837, p. 15.

¶ Rep. of 1824, p. 107.

‡ Rep. of Select Committee of 1825, p. 145.

§ Id. p. 40.

|| Id. p. 41.

condition and the comforts of the peasantry of Ireland, than giving them a greater abundance of the supply of fish, from their habits of life?" and receiving the following answer:—"I think it would lead to promote employment, and tend to increase their comforts;" and asking a similar question of, and receiving the following reply from, Mr. S. Rice, now Lord Monteagle: "I have no kind of doubt, that if means were taken for the adequate protection of the fisheries of the Shannon, they would not only become a matter of very considerable local importance, but might also reach some degree of national importance; the local importance of this produce is apparent, when it is considered the effect which a cheap supply of fish produces on a potatoe-fed population, and that population of the Roman Catholic religion. There are few measures that would be more important to the comfort of the people than giving them an adequate home-supply of fish:"* and concluding their Second Report by declaring their conviction, "that the salmon fisheries of the United Kingdom are eminently deserving, and stand greatly in need, of the protection of the legislature, and that there is every reason to believe, under the influence of a general law founded on sound principles, that they might rise to a magnitude and importance hitherto unknown." Of such extraordinary improvements are the fisheries capable, that Mr. Little stated before the Committee of 1824, that if proper protection were afforded to the breeding fish, the spawn, and fry, the fisheries might "be increased so much, that we would hardly find a market for the fish in this kingdom."†

It is not only in enhancing the price of fish to an extravagant amount, and rendering the fisheries utterly insignificant compared with what they might be under other circumstances, that the monopolists inflict the greatest injury on the people at large, but in the mode in which they carry on those fisheries. Were the public right of fishing in those waters allowed to be exercised, every one who could command a rod or a net might go out and fish when and where he liked best, and thus thousands might amuse or employ themselves according to their tastes or necessities: but under the present system things are managed otherwise. In the fishing seasons the salmon go up from the sea towards the fresh-water rivers. Instead of employing a number of men to pursue them in boats, with nets or lines, in their progress along the monopolised coasts, bays,

* Rep. of 1824, p. 157.

† Rep. p. 120.

or rivers, the patentees, or proprietors, fix down weirs at the narrowest points nearest the fresh-water streams, extending generally in bays and rivers from shore to shore, and on the coasts of the sea as far as possible into the tide. These weirs secure all the salmon that attempt to pass them, and at the ebb of the tide three or four men take them out of the nets or chambers, and bring them ashore. Thus a weir and three or four men deprive perhaps ten thousand people of legitimate and profitable employment. Of the actual numbers thus debarred from employment, the reports before us give no return or estimate; nor have we been able, though we have spared no efforts, to obtain any from other sources: but to enable the reader to form some conjecture on the matter, we shall state the facts which have come under our observation with regard to the only two rivers respecting which we have been fortunate enough to ascertain any particulars of this nature. According to the report of 1836, there is no part of Ireland in which the rights of the public to fish in the sea and tidal rivers seems to be so well understood and generally exercised as in Wexford. Yet the commissioners, who in this instance only condescended to hear any evidence but that of the monopolists, adopting the statements of the fishermen, say: "The present laws appear to be very strict, and passed as if intended to protect the employment of the fishermen from the encroachment of the gentlemen and weir-owners: but it is quite evident that these laws have remained a dead letter for the last century; the gentlemen and magistrates who should enforce them, became weir-owners and in the receipt of large revenues therefrom, allowed the fishermen, who were thirty years back a comfortable, well-clad, well-housed people, to dwindle away into wretchedness and poverty;" though the salmon fishery, if properly and legally managed, would "give ample and well-paid employment to one thousand five hundred people for six months of the year." (Rep. p. 66.) The report does not say, but we suppose, that the herring, mackerel, and other fisheries, would employ them during the remaining six months. The Shannon is two hundred and fourteen miles long, from its source to its mouth, and navigable throughout all that extent, except for a few miles between Limerick and Killaloe, and a few miles more near its source; it passes through several large inland lakes (one fourteen miles by ten); is affected by the tide for sixty-four miles; is nine miles wide at its mouth; for forty miles has an average breadth of three miles; and

for the remaining twenty-four miles, gradually narrows to something less than a quarter of a mile at Limerick. About two miles above Limerick the corporation erected a weir across the channel, from shore to shore. This weir was so constructed that not a salmon could pass through or over it. Between it and the main sea the corporation would not allow any one to fish, and between it and the source of the Shannon they of course did not allow a salmon to appear; and thus all the fishing in the river was confined to that one spot, and was managed by five men—four to take the fish out of the chambers of the weir, and the fifth to kill and count them. Had that weir been indicted and abated as a nuisance, and all other illegal weirs and fixtures along the course of the river been removed, and all persons been allowed to exercise their rights of fishing, and in a lawful manner only, there would have been “ample and well-paid employment” afforded to at least forty thousand persons.

But it is not the poor alone who are defrauded by these weirs. Every gentleman who has lands on the banks of a fresh-water private river, up which salmon would come were they not prevented by these weirs, is defrauded of the full enjoyment of his property; for to the lawful fishery in such a river he is as much entitled as to the fruit in his kitchen garden. The country-gentlemen very soon saw the wrong inflicted on them by such weirs, and endeavoured to relieve themselves by the aid of the legislature. A bill was introduced, in 1784, into the Irish parliament, for promoting the inland fisheries; one of the clauses of which provided that in each weir on the Shannon there should be fixed a sluice, or flood-gate, of six feet in width, and that it should be left open from Saturday evening to Monday morning, in order to permit the fish to go up the river to spawn. This very fair proposition was opposed by a Limerick member, on the ground that the corporation “had for many years enjoyed under a charter the right of having weirs on the river Shannon,” and that their chartered rights should not be thus interfered with. “The attorney-general doubted very much the legality of the charter encroaching on private property. The charter mentioned by the honourable gentleman was undeniably of that description: for by the weirs erected under its authority, all the upper part of the Shannon was rendered destitute of fish, and the proprietors of land abutting upon the river were deprived of the benefit of the fishery, to which they must have an original right. The bill now before the

committee was intended to restore in some degree the benefit of the fishery to the interior country, without injuring the city of Limerick; for though at their weirs there were often caught from six hundred to one thousand fish per day, for the whole upper part of the river it was only desired that a small passage should be opened for a few hours once a week, that the mother-fish might go up to spawn.* The bill was lost; but a few years afterwards another was brought in, and passed; which provided that in every weir in every river, and in the deepest part of such river, there should be a passage twenty-one feet wide, called the king's gap, left always open.† This statute has been, however, in most cases disregarded by the weir-owners. The Limerick corporation for a long time set it at defiance, till at length legal proceedings were taken against them; and even when they were obliged to leave the gap open, they endeavoured to defeat the object of it, by putting several white substances in it, and particularly one in the form of crocodile, to frighten the fish from passing up.‡ In general, throughout the entire kingdom, wherever the gap is left, various expedients are resorted to for the purpose of rendering it inefficacious; so that the proprietors of the fresh-water fisheries are almost as completely defrauded of their fishings as if that statute had never been passed. But even supposing that the weir-owners fairly complied with it, see what a fraction of their rights they leave to the private proprietors—twenty-one feet out of an average breadth probably of a quarter of a mile!!!

Looking at all these circumstances, can we wonder that the whole population should be hostile to such a system; or rather ought we not to be amazed that human beings could be found patient and broken-hearted enough to submit to it? Everybody, not directly interested in it, lifts his hand against it. The people refuse to obey what they are told is the law, and the magistrates, who are not interested, refuse to enforce it. Both, in general, have some undefined notion that the pretensions of the monopolists are illegal; and the latter dextrously contrive, without bringing their titles directly in question, before magistrates who are uninterested or impartial, to throw the sanction of authority around them, by punishing "poachers," as they call those who fish in the waters which they claim as their own, for some offence against the general

* Quoted in Finlay, p. 145.

† 23 & 24 Geo. III, c. 40, s. 11.

‡ See Rep. of 1825, *passim*.

fishery laws, and thereby creating an impression among the ignorant or unthinking, that it was for a violation of their exclusive privileges that the punishment was inflicted. The consequence of this state of doubt, litigation, and trickery, is that the people in the neighbourhood of these fisheries generally assert their rights with a degree of violence, which a fiery conservative journalist would not hesitate to construe into an open insurrection against the majesty of British laws and the integrity of the British constitution, &c., &c., &c. On plain matters of fact nothing is so satisfactory as evidence; we therefore proceed to describe, in the language of the witnesses, whose testimony is given in the reports before us, a few instances of the modes in which the popular antipathy is manifested.

That "the laws are well adapted to protect monopolies, when administered by interested magistrates and their friends," is testified by Lieutenant Brereton; who speaks from experience, as he enforces his own monopoly (on the Castletown coast, Sligo), though he doubts its legality.* But Lieutenant Brereton seems to be peculiarly fortunate. Mr. Little says, "One great defect [in protecting the fisheries] is the unwillingness of the magistrates to put the law in execution; they are unwilling to convict and fine the poachers. There is a magistrate near the Bann who commands a troop of yeomanry, and he has been encouraging his men to kill the salmon. Last year we prosecuted some of them, and got them convicted; but they appealed to the quarter-sessions, and he procured bail for them, and came himself to the quarter-sessions to defend them; but notwithstanding his opposition we ultimately convicted them at the quarter-sessions." "The opposition in the country to the protection of the fishery is so great, that we are frequently obliged to get the military to go with us to enforce the law."† "Some magistrates will not give themselves any trouble, as they say the salmon are sent out of the country, and they get no benefit from them."‡ "We have stake nets in Ireland at some places where they have allowed us to set them, and we have attempted to put stake nets in other places where they have been cut down."§ "Mr. Alexander Orr, of Aghadowy, is the magistrate who encourages his yeomanry to kill the fish in the Bann: he said openly he will not convict anybody for fishing. We have

* Rep. of 1836, pp. 31-2.

† Rep. of 1824, p. 127.

‡ Rep. of 1824, p. 120.

§ Id. p. 121.

our waterkeepers very frequently shot at, and we have had one actually killed in that district. I myself have been shot at.”*

Before the Committee of 1836 we find the following evidence given:—“There are no water-bailiffs to protect Glengariff river, except James Hector’s men, and as the people consider him dealing unlawfully himself, they pay little respect to his water-bailiffs.” (*Rep.* p. 15.)

In the Bush, the patentees and the people are disputing their relative titles: “water-bailiffs are employed in great numbers, but are ineffective;” “the county jail being a distance of thirty-five miles from the Bush river, it is impossible for the keepers to convey persons convicted to such a distance.” (p. 16.)

“A water-keeper may appear and give evidence and convict, but the warrant cannot be executed; there is no constable or public officer that the lower classes respect or stand in awe of; and it is even difficult for a water-keeper to show himself upon the banks of some rivers; he would be at least severely beaten.” (p. 19.)

The Bann, Foyle, and Moy.—“The expenses of protecting the Bann, Foyle, and Moy, amount to £1500 or £1600 a-year; 400 men are employed as water-keepers, and 220 as fishermen. The present protection is quite insufficient; the constabulary, or some other local force is necessary in carrying the laws into execution, as it sometimes happens that bands of fifty or sixty poachers come down on the water-keepers and attack them, and smaller bands frequently come down.” (p. 22.) “The poachers look upon any of their neighbours turning water-keepers, as traitors, and persecute not only them but their families. In some excellent spawning rivers, the lessees cannot prevail on a single individual to act as water-keeper, and thus the salmon are left the undisputed and undeserved prey of marauders whose motto is, ‘*a stick out of the wood, or a fish out of the water, is neither sin or crime.*’” (p. 23.)

The Donegal rivers.—“I think the law sufficient if carried into effect, which is impossible to the water-bailiffs, as the poachers go in parties, sometimes with arms, and always carrying bags of stones; the laws can never be effectually put in force, if the police are not empowered to carry them into execution.” (p. 29.)

* *Rep.* of 1824, p. 128.

Sligo rivers.—“Stake nets were used in this river for one season, but were all torn down by the country people.” “There is much poaching on the river, and as the poachers are all armed, he is obliged to supply arms to his water-keepers; frequent conflicts arise, and one of his water-keepers was shot a few years since.” (p. 31.) “The people think it no great crime to take salmon, because they have no interest in preserving them; give the people an interest in the fisheries, and I think there would be little poaching.” (p. 32.)

Mayo rivers.—“Poachers commence their depredations in numbers of fifteen or twenty together, sometimes disguising themselves, and having shirts outside their clothes.” (p. 34.)

Waterford rivers.—“The laws are sufficient, but cannot be enforced, from the habits of the people and the state of the country.” “The people have come down here and cut the nets several times within these few years past, and threats are held out that such may be the case again.” (p. 60.)

In this struggle against the rights of the people, the monopolists call of course, according to custom, on the government for assistance, and suggest the heads of a fishery coercion bill, the Quixotic extravagance of which would only render them ludicrous, did we not know that Ireland was the object of legislation. Any person keeping a boat on a river should register it, and give security that it should not be used in fishing.* Any person, not being a proprietor of a river, found taking salmon in the sea, should be liable to a penalty, and this penalty should be enforced even where salmon might be taken in nets cast for other fish, unless immediately set free.† The government should establish a river police, offer rewards for prosecutions, change the punishment (fine and imprisonment not being sufficient), and, finally, to crown all, from the “justices’ justice” there should be no appeal.‡

As these enlightened views have not been hitherto enrolled on the statute-book, and are not now likely to be ever raised to that dignity, as the “ancient and constitutional” system of ruling for and by a few factionists has been exploded, and the gratuitous infliction of the greatest possible amount of injustice and misery on the Irish people is no longer deemed by British statesmen the clearest evidence of political wisdom; and we may entertain some slight prospects of fair play for them, without being looked upon as exceedingly chimerical,

* Rep. of 1824, p. 118.

† Rep. of 1836, p. 30.

‡ Id. pp. 17, 32, 34, 35, 47, 53, 54, 60, 61.

we shall proceed to demonstrate the illegality of the pretensions of the very parties who thus call on the legislature for such extraordinary protection.

The sea requiring no aid from human cultivation, being undistinguishable by metes or bounds, and being inexhaustible by the only uses to which it can be converted, it seems unreasonable to allow any appropriation to a few, of what Providence so obviously designs for the common benefit of all, and therefore in all ages and countries (with the exception of Ireland for the last few centuries) it has been a general principle of law, that all nations and persons should have the right of fishing in it. This doctrine is part of the law of nations. However, on principles of public policy, courtesy, and convenience, every nation is allowed the exclusive dominion of so much of the sea surrounding its coasts as is within cannon shot of the shore, and of those parts of it which are land-locked, as roads, bays, gulphs, &c. But in these parts all the members of that nation have the same right to fish that all nations have in the parts that are not so appropriated. Such is and has been the law of every country, savage or civilized, in the world, with the exception of Ireland. One of the earliest writers on the law of England says: "By natural law all these things are common, flowing water, the air and sea, and the shores of the sea as accessories of it; for no one is prohibited from going to the shores of the sea, provided he meddle not with houses and buildings, because by the law of nations the shores of the sea are common, as is also the sea itself;:"* and one of the greatest modern writers says, that to an action of trespass for fishing in an arm of the sea, (and every water where the tide flows and reflows is called an arm of the sea,†) it is a good justification to say, that "the place where, &c." is an arm of the sea, in which every subject has, and ought of right to have, a free fishery.‡ The only exception to this general right is, where any one enjoys the exclusive fishery in some particular part of a branch of the sea by prescription, that is, quiet, uninterrupted, undisputed possession, from a period prior to the reign of Richard I, or by a grant from the crown as old at least as the reign of Henry II. As the common-law of the two countries is the same, and as in the various monopolized coasts, bays, rivers, estuaries, &c. which we have named,§ the tide flows and reflows,

* Bracton, lib. i. c. 12, f. 7, b. † 22 Lib. Ass. 93. ‡ Per Hale, Anon. 1 Mod. 105-6.

§ With the exception of Loughs Neagh and Beg, and the Banne from Lough Beg to Coleraine.

every subject has *prima facie* a right to fish in them as far as it flows and reflows, and cannot be debarred of that right, except by prescription, or a grant from the crown as old as the reign of Henry II. On this point there is not a second opinion amongst lawyers,—we mean men who know the law—and we should deem it as unnecessary to cite authorities in support of it, as of the proposition that murder is felony, were it not that the opposite doctrine has been acted on for three hundred years in this country, has been gravely announced as sound law by Sir John Davies, the attorney-general of the king who made the greatest number of grants in accordance with it, and has been adopted and advocated by the last compiler on the Irish game and fishery laws, and that it is probable the greatest efforts will be made to sustain it. In Mr. Finlay's treatise we were amazed to find the doctrine laid down, that the exclusive fishery of navigable rivers belongs to the crown, and that it may be granted by the crown to any subject. He says: "There are two kinds of rivers, navigable and not navigable. Every navigable river, so high as the sea flows and ebbs in it, is a royal river, and the fishery of it is a royal fishery and belongs to the king by his prerogative; but in every other river, not navigable, and in the fishery of such river, the terre-tenants on each side have an interest of common right. *Sir J. Davies's Rep.* 149." (p. 134.) "Rivers navigable belong to the king, but may be appropriated. By the law of England, what is otherwise common may by PRESCRIPTION be appropriated. Grotius owns that navigable rivers may be appropriated. By Yates *Jus. Carter v. Murcott.*" (*Ibid.*) After observing that the public had originally, and even still have, according to the general rule of law, a right of fishery in those waters, he adds, that "there are cases" in which the crown, in a wise exercise of its prerogative, has taken this general right from the public, and lodged it "as property in private individuals, in order to preserve it from the abuse of the public, and for the benefit of the public." . . . "So it was in England in respect to the navigable rivers, the Severn and Thames; in the former of which it was ruled, in the case of *Carter v. Murcott*, that an individual might acquire a several right of fishery from the crown by prescription, which supposes a grant from the crown; and in the latter of which cases, such right was acquired by charter, that is, by grant from the crown to the city of London, and under the force of which it is stated in *Davies's Reports*, 149, that the city of London receives rents

of those who fix posts or make wharfs on the soil of the river Thames." He next observes that this royal prerogative has been more exercised in this country than in England, and certainly "to a considerable extent," notices the grants of Lough Neagh and the Banne to the London company and the Earl of Donegal, says that "those grants have ever since been regarded as several fisheries, that is, as private property in such grantees (3 *Ridgway*, P. C. 257, *Hamilton v. Marquis of Donegal*);" and adds, that as by the 28 Hen. VIII, c. 22, the Boyne, Barrow, Suir, Nore, and Rye, have been denominated royal rivers, the exclusive fishery of them, "according to Sir John Davies's report of the Banne case," belongs to the king. (pp. 135-6-7.)

We have frequently read over these passages, and have as frequently found it difficult to characterize the mind that indited them. The only conclusion to which we could ever come was, either that Mr. Finlay was profoundly and immeasurably ignorant of the subject, or that he had some personal interest in advocating the pretensions of the grantees. He first cites Davies as an authority for saying that the fishery of all navigable rivers belonged to the king, though he knew, or should have known, that Davies stood alone in this *dictum*, and next he pounces on Mr. Justice Yates making some extrajudicial observations on the right of the crown, in days beyond the time of legal memory, to appropriate public rivers, and citing Davies and—*Grotius*! In that case of *Carter v. Murcott* the question before the court was, whether the crown could make such appropriation prior to the time of legal memory, so that the plaintiff might then claim by *prescription*. Yet Mr. Finlay perverts the observations of the learned judge to proving that the crown could appropriate such rivers now. The case of the Severn had not therefore the slightest analogy to the question which he was considering, whether Elizabeth, James, and the Charleses, were justified in what they did? The allusion to the Thames is equally unfortunate, as he should have known, that though the soil of the river is in the king, and the conservation of it in the lord mayor of London, the fishery of it is common to all the king's subjects.* The case from *Ridgway*, which is paraded as an authority, throws no light on the subject, as the question there was between two grantees of the crown, neither of whom

* *Hind v Mansfield*, Noy's R. 103, Lord Fitz Walter's case, 3 Keb. 242
1 Mod. 106 Anon.

was disposed to dispute his grantor's title, and the only question between whom was the recent interruption by the one of the other's fishery. But perhaps we had better turn attention to the case on which Mr. Finlay seems to have principally relied, and see whether it be law.

Sir John Davies in his report of the "Royal Fishery of the Banne" says:

"That in that river, about two leagues from the sea where the stream is navigable, there is a rich fishery of salmon, which was parcel of the ancient inheritance of the crown, as appears by several pipe-rolls and surveys, where it is found in charge as a several fishery, but now it is granted by the king to the city of London in fee-farm. The profits of this fishery have been taken and shared among the Irish lords for the space of two hundred years past, who have made incursions and intrusions on the possessions of the crown in Ulster, and have possessed by the strong hand the territories adjoining the river Banne till the first year of the reign of our lord the king who now is.

"Anno primo Jacobi, Sir Randall Mac Donel obtained a grant to him and his heirs, by letters patent, of the territory of Rout, which is parcel of the county of Antrim and adjoining to the river Banne, in that part where the fishery is and ever has been. By these letters patent the king grants to him, '*omnia castra messuagia (&c. &c.), piscarias piscationes, aquas aquarum cursus, etc. ac omnia alia hæreditamenta in vel infra dict. territorium de le Rout in comitatu Antrim, exceptis et ex hac concessione nobis hæredibus et successoribus nostris tribus partibus piscationis fluminis de Banne.*'

"On this grant Sir Randall Mac Donel petitioned the lord deputy to be put in quiet possession of the fourth part of the said fishery, which had been till then put in sequestration by an order of the council-table. The lord deputy being informed by the king's attorney that no part of the fishery passed by this grant to Randall Mac Donel, required the resolution of the chief judges being of the privy council in the matter, who on view of several pipe-rolls in which this fishery was found severally in charge as parcel of the ancient inheritance of the crown, and on consideration of the said grant made to Sir Randall Mac Donel, certified their opinion and resolution, that no part of the said fishery passed to the said Sir Randall Mac Donel by the letters patent aforesaid. And in this case divers points were considered and resolved.

"Firstly, though the rule of the civil law is that '*flumina et portus publica sunt ideoque jus piscandi omnibus commune est in portu fluminibusque,*' which rule is found in Bracton, lib. II. c. 12, yet by the common-law of England, a man may have a proper and several interest as well in a water or river as in a fishery, and on this account a water may be granted.—(11 R 2, Plo. Com. 154 a.)

The rest of this section consists of further arguments and cases in proof of the preceding proposition, which nobody controverts, but which is in no way relevant to the question, whether every navigable river is the *free* or exclusive fishery of the king. The second section is devoted to proving that the king shall have land gained out of the sea, "the grand fishes of the sea, whales, sturgeons, &c., which are royal fishes," "wild swans, as royal fowls, on the sea and branches of it"—that ports and havens belong to him, and that he has the same interest and prerogative in navigable rivers and branches of the sea as in the high sea itself. The third section contains the statement respecting the city of London, and the ownership of the river Thames, which Mr. Finlay copies, and on which we have already commented. The fourth section is the only one in the whole case material to the present question. It is a curiosity in the way of argumentation, and therefore, notwithstanding its length, we place it without curtailment before our readers.

"4. Among the pleas of the crown, (40 Ed. 3.) in the chief chamber of Dublin Castle, there is an entry—'Our lords, the sovereigns of England and lords of Ireland, in right of the crown, have over all the water of the Boine, from the town of Drogheda as far as Trim, a portion of the water commonly called the Watershard, containing in breadth twenty-four feet in the deepest part of such water, SO THAT BOATS AND VESSELS, &c., MAY PASS AND REPASS THROUGH THE AFORESAID PASS WITHOUT INTERRUPTION,' &c., &c., and there adjudgment is entered on the same roll. 'That a weir, made by the Abbot of Mellefont, in the said river, should be abated and a fine imposed on him.' And this agrees with Glanvil, who says that *purpresture* may be as well made in royal waters as royal roads. (see 19 Ass. p. 6.) That the river Lee is found on inquisition the high stream of the king (*le hault streame del roy*) and also (1 and 2 Ph. and M. Dyer, 117 a.) The Thames is called the king's stream, and in the statute (28 H. 8, c. 22) passed in this realm, the rivers Barrow, Noire, and Suere, are called the king's rivers, and the weirs erected on them *purprestures*; and although the king permits his subjects for their ease and advantage to have free passage on such navigable rivers, he has notwithstanding a sole interest in the soil of those rivers and also in the fisheries, although its produce is not generally taken and appropriated by the king, if not of extraordinary and fixed yearly value, as the piscary of Banne has ever been. Observe in the case of *Swans*, 7 Co. 16 a., the king, H. 8, granted to Strangewaies all that free fishery called the Fleet, in Abbotsbury, which is a bay or creek of the sea, and although the abbot had the piscary previous to the dissolution, it is to be understood that the abbot had this originally by grant from

the king, being a several fishery upon an arm of the sea, and consequently a royal fishery. (see Plo. Com. 315 b.) Wherefore it was resolved that the river Banne, like the sea, having a tide, is a royal river, and the fishery of salmon there a royal fishery, which appertains to the king as a several fishery, and not to them who have the soil on either side of the stream."

This is a fair specimen of Davies' style of arguing an Irish question. He sets out with saying that the reason why the judges declared the Banne to be a several fishery in the crown, was because they found it so charged in ancient pipe-rolls, and ends by saying that it was because it was a navigable river. Davies throughout seems to have aimed at — what, as Attorney General, was his legitimate object — victory for the crown; and therefore, if the Banne was not to be a several fishery by the rules of the common law, it was to be so at least by the entries in the pipe-rolls. It is an old saying, that one who has not a regard for veracity, must have at least a good memory. Sir John seems utterly oblivious of consistency in the narration of his fictions. He states that the Banne was charged as an ancient inheritance of the crown in the pipe-rolls, but immediately adds that the Irish lords had taken by the strong hand the profits of the fishery for the preceding two hundred years. If they had, it would be desirable to know at what period prior to those two hundred years, the kings of England had the exclusive privilege of catching salmon there, and what was the object of making a charge for it in the pipe-rolls. There was nobody to be charged, except men who with the strong hand alone would condescend to settle accounts at the Exchequer. But the probability is that no one was fool enough to make any such entries in the pipe-rolls, and that Sir John put forth the statement merely as a pretence for vesting the fishery in the crown. When writing the following passage, he seems to have been forgetful of this case of the Banne. "And again, though the greatest part of Ulster were vested by act of Parliament in the actual and real possession of the crown,* yet there was never any seizure made thereof, nor any part thereof *brought into charge*, but the Irish were permitted to take all the profits without rendering any duty or acknowledgment for the same."† This alone, if all other history were silent, would dispose of the trumpety fiction, that the

* In the reign of Elizabeth, by the act attainting O'Neil.

† "A Discovery of the true cause why Ireland was never subdued," &c., &c., "until the beginning of the reign of James." By Sir John Davies, &c.

fishery of the Banne was an ancient inheritance of the crown. His mode of perverting facts is not, however, half so discreditable as his mode of perverting legal cases and principles. In this latter occupation he seems to have been a consistent as well as unscrupulous adept. It seems rather strange, that the first authority with which he sets out, is the rule of the civil and common law, declaring the right of fishing in ports and rivers to be common to all persons; and that instead of attempting to reconcile this with the doctrine that the right of fishing in such ports and rivers belongs exclusively to the crown, he should fly off to a topic which had no more real connexion with the question under consideration, than it had with the aquatic prerogatives of the emperor of the Celestial empire. Then as to the second paragraph of arguments—no one denies that navigable rivers are of the same nature as the sea for all legal purposes, and that the king has the same interest and prerogative in them as he has in the sea—and no more;—but no one has ever said that he has an exclusive right of fishing in the sea, and no one, except Davies and Finlay, has said that he has an exclusive right of fishing in navigable rivers. Davies has cited authorities to show that the king has “the grand fishes of the sea, whales and sturgeons.” If he have a right to all the fish in the sea, why should these only be particularised? Or why not cite some authority for classing salmon with whales and sturgeons among the royal perquisites? It was impossible: as all other writers agree that salmon are not royal fish. Bracton says, the king is to have “large fish, whales, sturgeons, and other royal fish.”* Hale mentions as royal fish, “sturgeons, porpoise, and *balæna*, which is usually rendered, a whale.”† One of the old articles of the Admiralty cited by him, orders the admiral to take the king’s moiety of “whales, balens, sturgeons, porpoise, or grampise.”‡ The doubt that might have in very early times existed as to what, besides whales and sturgeons, the other royal fish were, seems to have been removed by the statute *de Prærogativa Regis*, (sec. 13) which merely says, that the king shall have “whales and great sturgeons taken in the

* Lib. ii. c. 5, s. 7, f. 14.

† “Treatise on Maritime Law,” Part 1, c. 7, p. 43.

‡ Ib. He adds, that by the custom of the Admiralty “the king had the head and the queen the tail, which countervailed a moiety, and the taker had the body, which countervailed the other moiety.”

sea, or elsewhere within the realm." All modern English writers agree in limiting the king's right to whales and sturgeons.* "The king," says Chitty, "has no general property in fish. It would be superfluous to specify and particularly designate whales and sturgeons alone as being royal fish, if all fish were the king's property,—*Exceptio probat regulam*."† Hale goes out of his way to have a kick at Davies—"And these kinds of fishings are not only for small fish—sea fish—as herrings, sprats, pilchers, &c., &c., but for great fish, as salmons, which though they are great fish, are not royal fish, as the report of Sir John Davies, in the case of the piscary of Banne, would intimate."‡

We shall now take the fourth section to pieces, and compare the legal crudities which this Attorney General thought good enough for "the mere Irish," with what English judges and jurists have held on the same points.

By the recital of the record in Dublin Castle, it appears that the king had a right to the Boyne only as he had to any other highway, for the purpose of securing a free passage for vessels. There is no pretence that he had an exclusive right of fishing in it. That the weir erected by the Abbot of Mellifont should have been abated as a nuisance, does not prove that the river was the private property of the crown. A purpresture, according to Coke, "signifieth a close or inclosure; that is, when one encroacheth or maketh that several to himself which ought to belong to many," and means, generally, any injury to a royal tenement or royal way or the state,—“and every publique river or streame is *alta regia via*—the king's highway.”§ “The Thames is called the king's stream,” but the fishery belongs to the public.¶ Hale says that public rivers for the common passage of vessels, whether large or small, are “highways by water,” and as much under the controul of the king as “the common highways on the land,” “and as the highways by land are called *altæ viæ regię*, so these public rivers for public passage are called *fluvii regales*, and *haut streams le roy*, not in reference to the propriety of the river, but to the public use; all things

* Bac. Ab. Prerogative (B. 4); Comyn's Digest, tit. Prerogative; Schultes' Aq. R. p. 15, 16, &c.

† Prerogatives of the Crown, p. 144.

‡ Treat. on Mar. Law, part 1, c. 5, p. 19.

§ 2 Inst. 38.

¶ According to Schultes' Aq. R. p. 132, it would seem that the Lee was found to be the king's street, and not stream; “que l'ewe de Ley est haute estrete de le roy.”

of public safety and convenience being in a special manner under the king's care, supervision, and protection. And therefore the report of Sir John Davies of the piscary of the Banne, mistakes the reason of those books that call these *streams le roy*, as if they were called so in respect of propriety, (as 19 Ass. 6 Dy. 11,) for they were called so because they are of public use and under the special care and protection of the king, whether the soil be his or not.* "A highway is called in the old books *le haut chemin le roy*; yet it was adjudged by the whole court, that all profit arising therefrom, and trees growing thereon, belonged to the lord of the place; and again, that every one has an interest in the king's highway."† Hale compares the king's "right of propriety or ownership" in the sea and its branches, to that of the lord of a waste or common, and says, that though he "is owner of this great waste, and as a consequent of his property, hath a primary right of fishing in the sea and the creeks and arms thereof, yet the common people of England have regularly a liberty of fishing in the sea or creeks or arms thereof, as a public common of piscary, and may not without injury to their right be restrained of it, unless in such places, creeks, or navigable rivers, where either the king or some particular subject hath gained a propriety exclusive of that common liberty."‡ The latest writer on this question thus sums up the general bearing of all the authorities: "All the writers on the common law of England agree, that the supreme dominion or jurisdiction of the British seas belong to the sovereign, as the head and representative of his people, and that the free and universal right of fishing and navigation in such seas, ports, and arms of the sea, and navigable rivers exercisable under his jurisdiction, belongs to the subjects in general. The right of fishing in these seas never was vested in the crown exclusively, and of course is not to be considered as a legal franchise. As a public right belonging to the people, it *prima facie* vests in the crown, but such legal investment does not diminish the right of the subject, and is merely reposed in the crown for the sake of regulation and government."§

Let it be observed that Davies does not cite a single authority in support of the monstrous proposition, that the king has

* Treatise on the Maritime Law of England, part 1, c. 2.

† Schultes' Aq. R. p. 78, referring to Pasch. 2 Ed. IV, p. 21; Hil. 27 H. VI, p. 5; and Pasch. 10 Ed. IV, p. 19.

‡ *Ib.* sup. c. 4.

§ Chitty, 1 Game Laws, 244.

a sole interest in the soil and fishery of navigable rivers. The fishery of *the Fleet* did not come to the king by his prerogative, but as an ancient appurtenance of the abbey lands. Davies cites Plowden in support of the assertion, that as it was a several fishery upon an arm of the sea, it was consequently a royal fishery. The passage referred to, merely states that the common-law "appropriates everything to the persons whom it best suits, as common and trivial things to the common people; things of more worth to persons in a higher and superior class; and things most excellent to those persons who excel all others;" and therefore it appropriates gold and silver, "the most excellent things which the soil contains," and sturgeons and whales, the two most excellent fishes in the sea within this realm, "to the king, who is the most excellent person in the realm." How far this is an authority for Davies we would submit to the judgment of even Mr. Finlay. He also says, it must be understood that the abbot had it originally by grant from the crown. Hale denounces this as "certainly untrue." After citing several cases to prove that such a fishery might be acquired by prescription, without any pretence or implication of a grant from the crown, he says: I have added the more, because there are certain glances or intimations in the case of the piscary of the Banne in Sir John Davies's reports, as if the fishing in these kinds of royal rivers were not acquirable but by special charter, which is certainly untrue, for they are acquirable by prescription or usage, as royal fish may be."*

We must now part with Sir John Davies, but cannot separate so easily from Mr. Finlay. His offence is rank, without excuse, and unpardonable. Sir John Davies was engaged for the crown, and might therefore seek excuse for any perversion of legal principles in gaining a triumph for his employers. But Mr. Finlay had no such excuse. He was writing a compilation—a sort of "Reading-made-easy"—of the game and fishery laws, and he so far forgot his trust, as to take as the sole arbiter between the opposing pretensions of the crown and the public, the *dictum* of the corrupt advocate of the former, and to shut his eyes to the immense mass of authorities directly negating that dictum. In that case of *Carter v. Murcott*, which with "the case of the piscary of the Banne," would appear to have constituted his whole stock in trade on this subject, he would have found Lord

* *Ib. supra*, c. 5.

Mansfield differing so widely from his views, as to say, "the rule of law is uniform. In rivers not navigable, the proprietors of the land have the right of fishery on their respective sides, and it generally extends *ad filum medium aquæ*. But in navigable rivers, the proprietors on each side have it not—the fishery is common; it is *prima facie* in the king, and is public." (4 Burr. 2162.) Had he extended his researches a little further, he would have found all authorities, ancient and modern (with the exception of his favourite) coinciding in this opinion, and declaring that the right of fishing in the sea and public navigable rivers, belongs not exclusively to the king, but is common to every one of his subjects;* he would have found a plea of prescription of common right of fishery in the sea as appurtenant to certain lands, held by all the judges of one of the highest courts in the kingdom, to be as idle and absurd as a claim of travelling on the king's highway, or breathing the common air, as appurtenant to a certain estate;† he would have found some jurists—and among them Lord Holt—denying that this common-right could be restrained by grant or prescription,‡ and those who admitted that it could be restrained by grant, declaring that such a grant ought now to be at least as old as the reign of Henry II;§ he would have found the great charter providing: "henceforth let all weirs|| be entirely removed from the Thames and Medway, and through all England, except along the coasts of the sea;"¶ and the second and third charters of Henry III extending this provision, and rendering all weirs erected in the time of his father and uncle illegal: "henceforth let no rivers be put in defence, except those which were in defence in the time of king Henry our grandfather, in the

* *Gipps v. Woollicot*, Holt, 323; Bro. Ab. tit. Prescription and Customs, 46; *Viner's Ab. Piscary*, B.; the Mayor and Commonalty of Orford *v.* Richardson, 4 T. R. 437, 5 T. R. 367, 2 H. Bla. 182, 1 Anstruth. 232; *Bagot v. Orr*, 2 Bos. & Pull, 472; *Rogers v. Allen*, 1 Campl. 309; *Seymour v. Courtenay*, 5 Burr. 2814; *Mayor of Lyner v. Turner*, Cowp. 16.

† *Ward v. Cresswell*, Willes, 265.

‡ *Schultes' Aq. R.* 101; *Bacon's Ab. Prerogative* (B. 3) and cases there cited; note to *Carter v. Murcott*, as cited by Hall, p. 53. In *Warren v. Matthews*, 6 Mod. 73, 1 Salk, 357, Lord Holt says: "Every subject of common right may fish with lawful nets . . . in a navigable river, as well as in the sea, and the king's grant cannot bar them thereof. But the crown has only a right to royal fish, and that only the king may grant" . . . "and a *quo warranto* ought to be brought to try the title of this grantee, and the validity of his grant."

§ Hall, *Rights of the Crown on the Sea-shores*, &c. pp. 46-54, and cases there cited; *Chitty*, 1 Game Laws, 272, and *Prerogatives*, 143. See also *Duke of Somerset v. Fogwell*, 5 B. & C. 875, and *Blundell v. Catterall*, 5 B. & A. 268.

|| "Kidelli"—"open weirs for taking of fish."—10 Rep. 138. ¶ c. 23.

same places and by the same bounds as they were wont to be in his time ;” he would have found Sir Matthew Hale thus expounding this statute: “Before the statute of *Magna Charta*, cap. 16, it was frequent for the king to put as well fresh as salt rivers in *defenso* for his recreation, that is, to bar fishing or fowling in a river, till the king had taken his pleasure or advantage of the writ *de defensione ripariæ*, which anciently was directed to the sheriff to prohibit rivation in any river in his bailiwick. But by that statute it is enacted, ‘quod nullæ ripariæ defendantur de cetero nisi illæ quæ fuerunt in defenso tempore Henrici regis avi nostri et per eadem loca et per eosdem terminos sicut esse consueverunt tempore suo.’ After this statute the *Ripariarum defensiones* ran thus, as appears claus. 20, Hen. III, m. 3, dorso; claus. 22, Hen. III, m. 2, dorso et sæpius alibi: “Rex Vicomiti Wigorniae salutem. Præcipimus tibi quod sine dilatione clamari facias et firmiter prohiberi ex parte nostri ut nullas eat ad riviandum in ripariis nostris in ballivâ tuâ quæ fuerunt in defenso tempore Henrici regis avi nostri :”* and he would then naturally ask himself, what return could the sheriffs of Limerick, Antrim, Waterford, &c. &c. make to such a writ, were it to be now directed to them? Had he even looked into the elementary hand-book of all students, he would have found the following very plain commentary on the charters: “A *free fishery*, or exclusive right of fishing in a public river, is also a royal franchise, and is considered as such in all countries where the feudal polity has prevailed; though the making such grants, and by that means appropriating what seems to be unnatural to restrain, the use of running water, was prohibited for the future by king John’s great charter, and the rivers that were fenced in his time were directed to be laid open, as well as the forests to be disafforested. This opening was extended by the second and third charters of Henry III to those also that were fenced under Richard I, so that a franchise of free fishery ought now to be as old at least as the reign of Henry II.”† Or had he attended to the business of the four courts, he would have found even Irish judges declaring that the crown could not create an exclusive right of fishery in a navigable river, or other arm of the sea, since the great charter.‡ But it is useless to follow him through what he might, but did not, find out.

* Mar. Law, part 1, c. 3, p. 7.

† Blackstone, 2 Com. 39.

‡ Duke of Devonshire v. Hodnet, 1 Brooke & H. 322.

So jealously have the rights of the public been protected in England, that there is no instance, since the passing of the great charters, of a grant of free fishery being made by the crown, submitted to by the public, and allowed in a court of justice. We are not aware of any such grants as those in this country having been made in England since the days of John, and certainly there is no English authority for saying that they could be made. In England there neither is nor has been any second opinion on the question. But here most people seem to have laboured under strange hallucinations on the subject, and not to have dreamed, till very lately, of the possible illegality and nullity of the royal grants. In that case of the Duke of Devonshire *v.* Hodnet, no one thought of questioning the grant by James I of the Blackwater, till after a verdict at the assizes for the plaintiff for disturbing his fishery, when the point was mentioned among others as a ground for a new trial, but the court held that the objection then came too late, as *non constat* from the pleadings and evidence, but that James had a *prescriptive* seisin when he made the grant. We have heard and seen it repeatedly stated, that the grantees of the Ulster fisheries established the validity of their claims in several actions in the courts of law, but have neither heard nor seen the grounds on which any court of law did or could uphold them. Ulster not having been reduced into the possession of the English till the reign of James I, the patentees could not allege a grant from the crown in the reign of Henry II, or prescription, which, we may observe again, is the peaceable, undisturbed, and continuous actual *bona fide* possession, not existing merely in fiction and construction of law, from a period prior to the commencement of legal memory, the first year of Richard I, 1189. But, in short, the history of the entire kingdom puts an end to all pretences that the crown had any prescriptive seisin of anything beyond the pale, or rather, beyond the walls of Dublin; and if there were a river in Ireland, the exclusive fishery of which might be prescribed for, it should be the Liffey; yet to it the corporation of Dublin were unable to establish their claims. We are not even aware that, with the exception of the late Limerick case, a prescriptive title to any fishery has been hitherto put forward. As there can be no title by prescription, or grant prior to the first year of Richard I, made out to any Irish fishery, all the royal grants by Elizabeth, James I, and the Charleses, are mere waste paper, and, like all other forms of monopoly, are mere usurpations by fraud or

force on the rights of the public. In no instance but one has their legality been as yet questioned in due legal form, and the main features of that case we now proceed to lay before the reader, as a fair sample of the mode in which the monopolists throughout Ireland have contrived to maintain their pretensions, and of the success which has attended every well-conducted legal attack made upon them.

The corporation of Limerick claimed, as we have already stated, the exclusive fishery of the Shannon for a distance of sixty-three miles,—from their weir above the city to the main sea, under a grant of Elizabeth. We find it stated by the Corporation Inquiry Commissioners that they established this right on a trial at law, at Ennis, one hundred years ago. We mention this merely to show how far men of learning and ability may be misled by not examining minutely into subjects of this nature. When stake-nets were fixed some twenty years back, on the shores of the river, they proceeded against the owners of a few of them under the provisions of the 10 Car. 2, Ses. 3, c. 14, prohibiting the laying down of nets for killing fry, and obtained a decision in their favour from Lord Norbury and the Court of Common Pleas. With the great mass of the people, this created an impression that the decision was not on the illegality, under a statute, of a particular mode of fishing, but on the illegality of any mode of fishing against their exclusive rights. Immediately after obtaining Lord Norbury's opinion in their favour, they proceeded to abate the other weirs in a truly constitutional manner: their fishery inspector, as he was called, obtained from some of them who were magistrates, a warrant to bring before them "all illegal instruments for taking fish, and all fish that might have been taken;" and without further ceremony, proceeded by night, twenty or thirty miles down the river, with a body of police, and broke and tore away all the weirs they met, till towards the dawn of day, when they came to a weir belonging to a Mr. Leslie, and, the alarm having spread through the country, found it protected by a body of yeomanry, who, standing on the shore, levelled their muskets at them, and thus forced them to retire.* Against the poor, however, who had no yeomanry to protect them, this summary process was afterwards frequently pursued. Against those who fished after the ordinary fashion of fishermen, with lines and nets, they adopted an equally efficacious system:

* Rep. of 1825, pp. 57-8.

they summoned them before themselves, or the magistrates of the adjoining counties of Clare, Limerick, and Kerry, and had them fined and imprisoned, as appeared by the convictions produced at the late trial, "for fishing on that part of the river lying between the mouth of the river Shannon, and the great salmon or Lax-weir, known by the name of the Fisher's Stent,"* "contrary to the form of the statute," &c. there not being, in fact, the slightest vestige of any law or statute whatsoever to authorise such proceedings. Had such enormities been perpetrated in England, the magistrates who so abused the offices with which they were entrusted, would have been, in the first place degraded from them by the government, and, in the next, beggared and disgraced by actions and indictments as numerous as their offences. But in this country, there is no disposition to vindicate the dignity of the law when violated in the persons of the poor; and were it not for Mr. Potter, a public-spirited and eminent solicitor of Limerick, the corporation and their justicial puppets might have gone on for ever in the career they had so long followed. Mr. Potter having intimated some doubts as to the legality of these modes of proceeding, the corporation, or rather their lessee,—for they had taken the precaution of having a lessee, so that they might appear, nominally at least, indifferent between the parties coming before them for judgment,—applied to the Master of the Rolls for an injunction to prohibit any one from fishing within the limits of their grant. This modest request, Mr. Potter, on behalf of the fishermen of Limerick, opposed; and the Master of the Rolls after a long argument, refused. The fishermen being emboldened by this decision, and the magistrates somewhat alarmed, the lessee could no longer cause his assumed rights to be respected or enforced, and was thus compelled, at last, to bring his title fairly under the cognisance of a court of law, and commenced an action of trespass against the two poor fishermen named as defendants in the Report of the trial at the head of this paper. The plaintiff claimed the exclusive fishery of the Shannon from the neighbourhood of his weir to the sea, in no fewer than three counts of his declaration; and in one only (the 5th) limited himself to a space of about three miles, "extending from the said Lax-weir in the east part of the said river, unto a certain stream or river nigh Castle Donnell, in the west part thereof." The defendants pleaded that the

* A Report, &c. p. 40.

Shannon was "a public and common navigable river, in which the tide ebbs and flows, and that every subject of this realm of right had the liberty and privilege of fishing therein," and justified the taking of salmon under such right. The plaintiff replied, that "Queen Elizabeth being seized in fee, in right of her crown, of the" *locus in quo*, "and of the several rights of fishing therein," by letters patent, granted it to the Corporation of Limerick. The defendants, in their rejoinder, traversed the seizin and grant, and that they had fished within the limits of the grant. On these pleadings issue was joined. To the trial we looked forward with great interest, as being the first in which the question, as to the validity of the royal grants in this country, was regularly raised; and being likely to be determined in such a manner as to proclaim their illegality and nullity, plainly, satisfactorily, and authoritatively, to the kingdom at large.

In this expectation, we have been somewhat disappointed. The trial was, however, in other respects productive of great and satisfactory results. And here we may observe, that all our statements respecting what was done and said at it are founded on the Report before us, which has been compiled in behalf of the corporation and their lessee, and been published by their printers. The plaintiff's leading counsel, Mr. T. B. C. Smith, who had gone from Dublin on a special retainer, opened with stating that he would proceed only for the fishery claimed in the fifth count, and that the principal question for the jury would be, what was the nature and what were the bounds of it? "We say they are these: that it extends from the great Lax-weir, down the river, to a place which the viewers saw, namely, a castle near Cratloe-more, which is a distance of three or four miles westward on the river, and which has been but recently ascertained as the boundary; and let it be understood that it is this only we claim, and that we do not claim a fishery of sixty miles long in the river Shannon. We claim no such thing: we assert that the Fisher's Stent extends to this point, and I think it extends there and no further, and I am satisfied that I discharge my duty better and more fairly towards my client by confining myself to what I think are the limits of it, and claiming no more than what, in my judgment, Mr. Gabbett is entitled to." (pp. 7, 8.)

Thus the corporation gave up for ever all their pretensions to the exclusive fishery of the entire river, and admitted that they had not the slightest vestige of a title to more than three

or four miles of it, and that there was not the remotest particle of excuse or palliation for the fines and imprisonments which they had caused to be inflicted.

The question as to the right of the crown to appropriate, within time of memory, the fishery of navigable rivers, seems to have been very skilfully avoided by Mr. Smith; who was evidently conscious of the difficulties with which he had to contend. He speaks of the common-law right of fishing in navigable rivers in very intelligible language; but of the manner in which that right may be abridged, by prescription, or usage, or grant from the crown, in language which baffles all comprehension. He tells the jury, however, very plainly, that the three points for them to consider were, "was queen Elizabeth in point of fact seized in fee of that fishery, and, if so, did she grant to the corporation, and what is the extent and boundary of that grant." By the evidence, however, which he offered, he appears to have thought it necessary to prove a prescriptive seizin in fee, and thus endeavoured to meet what he feared would be laid down as law from the judgment-seat. This evasion in statement, and admission in fact, of the general principle of law on this subject, does not appear to have attracted any notice; as we find Mr. Henn, the leading counsel for the defendants, observing, not by way of contradiction or qualification of Mr. Smith's positions, but as if laying down an unquestioned axiom, "So strict is the law in preserving the right of [fishing and navigation] for the subject, that it is now clearly laid down, that the crown itself could not establish a right to exclude the public from fishing in a navigable river, unless the crown had that right prior to the reign of Henry the Second;" and that he did not deny that the crown "had title to a several fishery," but merely that the plaintiff had "shown no title in the crown to anything more than the Lax weir" (p. 55); and the judge finally saying, "as regards the question of law on the subject, it is fortunate we have no difference of opinion whatever. It is exceedingly plain, simple and intelligible, it admits of no dispute, and no dispute has arisen about it." (p. 86.) The defendants' counsel therefore admitted that a title was proved to the great or Lax weir, according to their own views of the law, but denied that it was proved to anything more; and the whole of the trial turned upon the questions, whether Elizabeth was seized of an exclusive right of fishery beyond the Lax weir to Castle Donnell (as claimed in the fifth count); whether she granted it; whether the de-

fendants had fished within its limits; and whether the plaintiff had an exclusive right at all.* With these questions we have no concern. The jury, after hearing speeches and evidence for five days, and being locked up a whole night, separated without agreeing to a verdict.

We regret that we are compelled to differ from the eminent lawyers who were engaged for the defendants, as to the proof of a prescriptive title to the great weir in this case. We cannot understand how they could have imagined that any such title was proved. The earliest document produced in proof of it was a grant in 1202, by king John William of Bradosa, of the honor of Limerick, "with all its appurtenances, wood, waters, mills, fisheries, &c. &c."—"fisheries" being like the rest, a mere word of form, without reference to any particular fishery. The next document was a grant by John in 1216, of £10 a-year to the Bishop of Limerick, for and in consideration of his claims on "the fishery of Limerick." The third document bore date in 1274, from which it appeared "that a gulph in the waters of Limerick was held at a rent of 100 marks annually by the citizens of Limerick."† It is obvious that the first document was not of the slightest earthly consequence in the consideration of the question then before the court, and even if it were, it is thirteen years posterior to the first year of Richard I and the last of Henry II, 1189. The second document is twenty-seven years posterior to that important legal epoch, and one year to the signing of the great charter (1215). So that here the proof of prescription or possession in the reign of Henry II completely failed; and as this was a claim against common right, there could be no presumptions in its favour. To be maintained, it should be strictly proved. In all the English cases on this subject, the proof has been carried back to the reign of Henry II at the least, and generally to the reign of the Conqueror; an extract from Domesday-book

* As the meaning of the word *gurgies* formed one great subject of contention, and the want of proof of exclusive possession was the only ground of nonsuit relied on, the following observations by Lord Hale, in a similar case, may not be inapposite: "In the Severn there are particular restraints, as *gurgites*, but the soil doth belong to the lords on either side, and a special sort of fishing belongs to them likewise, but the common sort of fishing is common to all."—Anon. 1 Mod. 106. "Weirs, as in Suffolk and Norfolk, may be particular in the main sea, 35 Ed. I, Rot. 18 and Tr., 10 Ed. II, Rot. 83, or on the shore, and yet the fishing may be and is common to all subjects."—Lord Fitz Walter's case, 3 Keb. 242.

† Pp. 9, 10.

being the first document commonly produced.* But supposing even that the jury might be at liberty, from those documents, to presume an appropriation by the crown in the reign of Henry II, the defendants, had they gone into evidence at all, could have rebutted that presumption by producing any history of Ireland or of Limerick:† from which it would appear to the satisfaction of any reasonable being, that neither in presumption of law nor in fact, could there have been any such appropriation.‡ For this reason alone, we cannot understand why the title to the weir should have been admitted.

The legality of this weir is a matter of such importance, that we may be excused for dwelling further on it. It is by such weirs that the monopolists throughout the entire country almost universally exercise their privileges in the most effectual and objectionable manner, and inflict, as we have already shewn, the greatest possible amount of mischief and injury on all classes of the people. The utility, therefore, of abating them requires no further demonstration. As whatever may be said against the Limerick weir will apply to all of them, and many things may be said against them which would not apply to it, we shall direct against it a battery of a few of the statutes and cases of which we are masters, so that when it is demolished, all the others may find it "the better part of valour" to surrender at discretion.

The reader will bear in mind all that we have already said respecting this weir. We shall here merely add, that but for it, the river would be navigable for some distance above it, and that the tide rises to a height of twelve feet at each side of it. It is made of stone piers extending across the river like the piers of a bridge, and lath-work stretched across securely from pier to pier at the western side, or that on which the salmon come from the sea. To every alternate pair of piers there is lath-work affixed at the eastern side also, so as to enclose a complete chamber. There is an aper-

* See *Duke of Somerset v. Fogwell*, 5 B. & C. 875; *Williams v. Wilcox*, 8 Ad. & El. 314.

† A general history is evidence to prove a general matter, *Phillips' Ev.* 605.

‡ During his reign it was twice in the possession of his garrisons, who were each time after a short occupation obliged to abandon it. So assured was Donald Brien, who had held it since 1177, of its safety in his hands, in 1194, that he in that year founded the cathedral. In 1195 the English regained possession, but were driven out again by M'Carthy of Desmond. When they next obtained possession does not appear, but in 1199 the city is found under their authority, and governed by a provost.

ture for the salmon to get in, and of course none to get out. Between the other piers there is no passage for them, so that when they push their snouts against the lath-work they are obliged to grope their way aside till they get into these very snug "chambers." Thus this weir stands continually, from morning till night and night till morning during the fishing season. We need scarcely add that it was not erected by "the wisdom of our ancestors" in the reign of Henry II. Up to the winter of 1825-6, there had been on the same site a weir so constructed as not to allow a salmon to pass it, and not having even the passage in the middle required by the statute.* This having been swept away by the floods, the lessee of the corporation replaced it by the present ingenious contrivance. At the trial, there was no attempt made to prove that the present or the old weir was erected prior to the reign of Edward I, and therefore under the provisions of several acts it is illegal merely for impeding the navigation. But if it should be proved to have been erected prior to that reign, and as there can be no proof to carry it back to the reign of Henry II, it must at all events be illegal under the provisions of the great charters and the common law. If, again, it should escape both these ordeals, and be proved older than the reign of Henry II, and not to impede the navigation, it would seem to be illegal according to *Robson v. Robinson*, under the 2 H. vi. c. 15.

The laws against such weirs are plain and intelligible. By the already cited clauses of the great charters they are strictly forbidden; by the common-law they were regarded and prohibited as nuisances.† By the 25 Ed. III, c. 24, it is provided that, "whereas the common passage of boats and ships in the great rivers of England be oftentimes annoyed by the inhausing of gorges, mills, wears, stanks, stakes, and kiddles, in great damage of the people, it is accorded and established, that all such gorges, mills, wears, stanks, stakes, and kiddles, which be levied and set up in the time of king Edward, the king's grandfather, and after, whereby the said ships and boats be disturbed that they cannot pass in such river as they were wont, shall be out and utterly pulled down without being renewed, and thereupon writs shall be sent to the sheriffs of the places where need shall be, to survey and inquire, and to do thereof execution," &c. &c. This was confirmed and extended by the 45 Ed. III, c. 2, and both were

* Fitzgerald's History of Limerick, vol. ii. p. 232.

† 2 Inst. 38.

further confirmed and extended by the 1 Hen. IV, c. 12, and penalties sufficiently severe provided for offenders. By the 2 Hen. VI, c. 15,* "it is ordained that the standing of nets or engines called trinks, and all other nets which be, and were wont to be, fastened and hanged continually day and night, by a certain time in the year, to great posts, boats, and anchors, overthwart the river of Thames, and other rivers of the realm, which standing is a cause of as great and more destruction of the brood and fry of fish and disturbance of the common passage of vessels, as be the weirs, kydels, or other engines, be wholly defended for ever. And that every person that setteth or fasteneth them hereafter to such posts, boats, and anchors, or like thing, continually to stand as afore is said, and be duly thereof by the course of the law convict, shall forfeit to the king one hundred shillings at every time that he is so proved in default; provided always, that it shall be lawful to the possessors of the said trinks, if they be of assize, to fish with them in all seasonable times, drawing and pulling them by hand, as other fishers do with other nets, and not fastening or tacking the said nets to posts, boats, and anchors, continually† to stand, as afore is said; saving always to every of the king's liege people their right, title, and inheritance, in their fishings in the said water." By the 12 Ed. IV, c. 7, all the statutes relative to weirs and fisheries, from *Magna Charta* inclusive, were confirmed and further extended, and still more stringent remedies and penalties were provided. This act enumerates "weirs, fish-garths, mills, milldams, millstanks, locks, ebbing-wears, stakes, kedels, hecks, flood-gates, or other noyances, disturbances, or impediments," which might destroy the brood or fry of fish, cause the flooding of lands, or impede the passage of vessels. All these enactments apply to this country, as by the 10 Hen. VII, c. 22 (Irish), all English statutes "concerning the common weal of the realm of England" were extended to Ireland. There can be no doubt that under all or some or one of them the Limerick weir is a nuisance. In the construction and application of them, we are not wholly without assistance from decisions in England. We shall select a few of these

* In the new and authorised edition of the statutes this is numbered 19.

† "The word *continually* shall be taken continually so long as they may stand to take fish, and as the time of fishing endures, be it in the day or night, for *lex non intendit aliquid impossibile*, for otherwise the law should not be of any effect."—Case of fishing in the river Thames. 12 Rep. 89.

which appear most apposite to, and bear most directly and distinctly on, this Limerick case.

The case of *Hall v. Mason* and others, was, says Callis, "in effect as followeth:—That Queen Mary was seized of the manor of Monmouth, with the appurtenances in that county and of a free fishing in the river Wye, and of a weir and fishyard there, which were erected in the time of the said queen, in the place where an old foundation of an ancient weir did stand. This weir had been letten by the said queen, and also by Queen Elizabeth, under the seal of the said duchy, by yearly rents; and so there were ancient precedents shown in that court. . . . So that it was manifest that it was an ancient weir time out of memory. And this weir and fish-yard, and the profits of fishing were letten by the king's majesty, that now is" for thirty-one years, at 6*l.* 13*s.* 4*d.* per annum. In the nineteenth year of James I, a jury, impanelled by the commissioners of sewers, "touching this weir and fish-yard," "gave therein a verdict to this effect: that is, that Benedict Hall, the complainant, was possessed of the said weir, called Monmouth weir upon the river of Wye, which was excessive high and hurtful, and was an impediment to the common passage of boats, barks, and ballengers up and down the said river, and by means thereof they could not pass but in great danger, which, if the said weir were not, boats of two or three tons might pass the river; and that the said weir had been the death and drowning of one of the king's subjects, and is the cause of the scarcity, dearness, and want of salmon and other fish within the said river, by reason many of them were taken in gins of the said weir when they were out of season, and that the same was a great abuse, wrong, enormity, and annoyance to the whole country." In consequence of this verdict, the weir was removed; but on proceedings being instituted in the duchy court of Lancaster, at Westminster, against those who, by the warrant of the commissioners, had thrown it down, the judges were of opinion, "That the said weir, being an ancient weir by prescription and custom, it ought not to have been overthrown by the decree of the commissioners of sewers; and that the said verdict of the jurors was defective, because, though they presented the said weir to be over-high and enhanced, yet in regard they did not present, *in quanto* nor *in qua parte*, the said weir were enhanced above the ancient size, therefore, they esteemed the said verdict of no validity."*

* Readings on the statute of sewers, p. 262.

In this case, it appears to have been the opinion of the judges and Callis, that the only ground on which this weir could be upheld was, that it was "an ancient weir by prescription and custom,"—"an ancient weir time out of memory."

Robson v. Robinson is thus reported by an eminent lawyer: "Case for injuring the plaintiff's fishery in the river Eden, in the county of Cumberland, by erecting a weir and stells, &c. across the river, below the plaintiff's fishery, which prevented the fish from passing up the river to the fishery of the plaintiff. Plea—not guilty. At the trial of the case at Carlisle, before Buller J., the plaintiff proved his title as laid in the declaration; and the defendant, who was the lessee of the Corporation of Carlisle, to whom the fishery was worth 800*l.* a year, tendered evidence to prove an immemorial exercise of the fishery by the corporation, and their lessees in the manner complained of by the plaintiff. The plaintiff thereupon insisted that such a fishery was illegal by statute (2 Hen. VI. c. 15) which prohibits weirs. The defendant contended that the act only applied to navigable rivers, and that the object of it was only to preserve the navigation and to prevent the destruction of the fry, neither of which injuries was proved to have occurred in the present case. It was also objected that the action would not lie, as it was an action brought for a public nuisance. Buller held that the statute was decisive of the question, and that it rendered the fishery claimed by the defendant illegal, and he directed a verdict for the plaintiff."* A new trial was moved for and granted, because the court thought it necessary "for the purpose of putting the facts into a special verdict." On that occasion Lord Mansfield said, "As the case now comes before the court, it must be admitted that the weir has stood from time immemorial: that it does not interrupt the navigation: that it does not destroy the spawn or fry of fish, and that it is not perpetual;" and Mr. Justice Buller—"I agree that there should be a new trial for the purpose mentioned. It may be a great question if it comes to the construction of the act; but if it turn out that the defendant has not used this weir immemorially, that point will not arise."† Here it may be perceived, that the points relied on in favour of the corporation were, that the weir had been used by them from time immemorial—that the Eden was never navigable beyond it—that

* 3 Dougl. 307-8.

† Id. 309.

it did not prevent the navigation, or destroy the brood or fry of fish, and that it was not perpetual. Could all these be advanced in favour of the Limerick and the other monopolist weirs in this country? Notwithstanding all these points, the judges intimated their opinions so decidedly that this weir was a public nuisance, that though the motion for a new trial was granted, the defendant proceeded no further with it, and allowed the stells to be abated.* Lord Ellenborough, who, as Mr. Law, had appeared for the defendant on the motion for the new trial, said in reference to it in delivering judgment in *Weld v. Hornby*, "I remember that the stells erected on the river Eden by the late Lord Lonsdale and the corporation of Carlisle, whereby all the fish were stopped in their passage up the river, were pronounced in this court, upon a motion for a new trial, to be illegal and a public nuisance; and Lord Kenyon said no man can claim an estate in a public nuisance."†

This case of *Weld v. Hornby*, may be also noticed. It was an action for erecting a stone weir across the river Ribble, by which fish were prevented from coming to the plaintiff's weir in the upper part of the river, this stone weir having been recently erected, instead of a brushwood weir, which had existed there from time immemorial, but through which it was possible for the smaller fish to escape. The defendant set up a grant in the reign of James I, of a water-corn mill, and the liberty of taking in all seasons the salmon in the river and all other fish, with a right to a weir across the river, not limited in terms as to height or breadth. The jury found for the defendant on the ground of the usage, possession, and old grants. The verdict was set aside, Ellenborough, C. J., saying—"It is impossible to sustain this verdict. The right set up by the defendant to have a stone weir, is plainly founded on encroachment. The erection of weirs across rivers, was reprobated in the earliest periods of our law. They were considered as public nuisances. The words of Magna Carta, are, that 'all weirs from henceforth shall be utterly pulled down by Thames and Medway, and through all England,' &c. And this was followed up by subsequent acts, treating them as public nuisances, forbidding the erection of new ones and the enhancing, straitening, or enlarging of those which had aforetime existed."‡ . . . "And I believe

* Second Rep. of 1825, p. 140.

† 7 East, 199; 3 Smith, 247.

‡ 7 East, 199.

there does not exist in Great Britain a single undisputed weir in any river, built entirely across the river.”*

These statutes and cases require no commentary from us; and are, we imagine, sufficiently intelligible and apposite, to exonerate us from the imputation of presumption, in doubting the propriety of admitting the legal title of the corporation of Limerick to what would seem to be nothing better than a public nuisance; and there are few lawyers, we believe, who would say that there is a weir in any navigable tidal river in the kingdom deserving of any other character.

The patentees have some colour of law for their pretensions, but those who claim the exclusive fishery of the sea and tidal rivers, merely because they happen to have lands adjoining either, are the most shameless plunderers in existence. A few sentences will be sufficient to dispose of them. That the shores of the sea, or a navigable river, belong not in presumption of law to the owners of the adjoining land, has been expressly decided, in *Rex v. Smith*, 2 *Douglas* 441. The right of the subject in respect of the adjoining land extends to the edge of the high-water-mark of the ordinary or neap tides,† and can extend to the low-water-mark only by grant beyond time of memory, or prescription.‡ The shore is that part of the land adjacent to the sea, which is alternately covered and left dry by the ordinary flux and reflux of the tides.§ In other words, the rights of the proprietor of the adjoining land, do not extend an inch beyond the highest ripple of the ordinary tide. So jealous is the law of the rights of the public over the soil and waters of the sea and its branches, that every one may fish in the sea, of common right, though it flows on the soil of another;|| and may justify going on the land adjoining the sea to fish, “for this is for the commonwealth, and for the sustenance of many, and is the common law;”¶ and to such an extent has this doctrine been carried, that if a tenant's land be overflowed by the sea, he will be at once entitled to an apportionment of the rent, as every one can fish on it as well as he.** It would argue a very profound and singular ignorance of the history of this country, to sup-

* 3 *Smith*, 247.

† Hall, “*Essay on the Rights of the Crown on the Sea-shores*,” p. 13.

‡ Hale on *Maritime Law*, part 1, c. 5; *Callis*, p. 53.

§ Hall, p. 8.

|| *Schultes' Aq. R.*, citing *Mod. Ca.* 73; 6 *Com. Dig.* 55.

¶ “*Car ceo est commun welth et pur sustenance de plures, &c., et est le commun ley quod fuit concessum.*”—*Bro. Ab. tit. Customes*, 46.

** *Rolle's Ab. title, Apportionment*, 236 C. 2.

pose that its present landed proprietors enjoy any privileges over the sea and its branches by prescription; and yet they blush not, contrary to every principle of law and justice, to appropriate to themselves the fishery of the sea and its branches adjoining their lands, as if it were part and parcel of their inheritance.*

Having now pointed out the illegality of the pretensions of the patentees and other monopolists, it only remains for us to indicate the means by which the people may redress themselves. Against the weir-owners they may proceed by indictment, information, action, &c. &c.; and those who prevent them from exercising their common-law right of fishing at lawful times and in a lawful manner, they should compel to prove their title in a court of law. It only requires that the people should know their rights and assert them, to get rid of this enormous injustice. The abandonment in the Limerick case, of the claim to the exclusive fishery of sixty miles of the Shannon, proves how much may be gained by an appeal to the law. At the Kilkenny assizes of 1835, Mr. Arthur French, in behalf of the Wexford fishermen, proceeded by indictment against the proprietors of weirs on the Nore, which had till then been considered legal, and they at once pleaded guilty.† If similar attacks be made in other quarters, similar results will follow. The monopolists have neither law, nor justice, nor public policy, nor public feeling, nor party interests to sustain them, and must strike at once, if properly assailed.

We cannot close this paper without expressing, on behalf of our countrymen, the gratitude which is due to the three or four gentlemen who, out of all our millions, have distinguished themselves by their active legal hostility to the claims of the monopolists. The only persons whose names we could find so honoured in the reports of the committees and commissioners, are the Rev. Mr. Staples, rector of Moville, in the barony of Inishowen; Mr. Alexander Orr, of Aghadowhy; and Mr. Arthur French, whose name requires no addition. The Rev. Mr. Staples has been for several years past opposing the claims of the northern monopolists to the exclusive fishery of the Foyle. Did all the ministers of his church exhibit similar zeal in vindicating the rights of their oppressed countrymen, they would be amply

* They also appropriate the slob, sand, sea-weed, &c. &c.

† Rep. of 1836, p. 66. It is not stated under what law he proceeded. The 28 H. VIII, c. 22, applies specially to the Boyne, Nore, Suir, and Rye.

repaid by the love and gratitude of those who, for their sakes, would forget the system of which they are the instruments. Of Mr. Orr we have already mentioned all that we found concerning him in the reports before us. Mr. Arthur French has for many years devoted his professional services to maintaining the rights of the poor fishermen of Wexford; and their gratitude, and the satisfaction of having done his best to promote their welfare, have been the only rewards which he has sought or received. To this list must we add the name of Mr. Potter, whose services, though last in chronological order, are probably first in the national importance of their results. Were we aware of the exertions of any other persons in this cause of justice and charity, we should, for a multitude of reasons which it is needless to enumerate, gladly name them. We regret extremely that those who have exerted themselves in it are so very few. Perhaps this has arisen in a great measure from each person considering the monopoly in his own neighbourhood not as part of a general system, but as a mere local grievance, and furthermore as sanctioned by law. But now that we have pointed out its national extent and its illegality, and shown how it may be suppressed, and how its suppression will be the means of at once giving food and employment to some hundred thousands of our countrymen, we trust that the numbers who will devote their energies to its suppression will be soon past counting, and that the people at large will be restored to the rights to which by every law divine and human they are entitled. May these anticipations be speedily realized, and may their realization be the forerunner of a train of practical plain plodding thought and action, which will enable our countrymen to enjoy as much as possible of the homely solid comforts which Providence has so bountifully placed within their reach, but of which human policy has hitherto but too successfully defrauded them.

ART. V.—*Scriptorum Veterum Nova Collectio, e Vaticanis Codicibus Edita ab Angelo Maio, Bibliothecæ Vaticanæ Præfecto.* Vol. I.—X. Romæ: 1831-8.

THERE can scarcely be one among our readers who is not acquainted with the invaluable fragments of Cicero *De Republica*, published many years since by Mgr. Mai, and reprinted several times, both in England and in different

parts of the continent. But his previous publications, while prefect of the Ambrosian Library at Milan, are less known in these countries; and his subsequent labours in the Vatican, both before and since his elevation to the cardinalate, of which this was but an inconsiderable instalment, have been permitted to proceed, if not entirely unobserved, at least without any such record as their magnitude and importance deserve. Circumstances have so much delayed our own long intended notice during the progress of his publications, that we feel the subject has now outgrown our power—*magnitudine jam laborat sua*; and we can hope to do little more at present than direct towards it the personal attention of those among our readers to whom it is not already familiar.

The "Vatican collection of Ancient Authors," cited at the head of these pages, comprises little more than one half the publications of this extraordinary man. Although these ten quarto volumes average from seven to eight hundred pages each, yet, even amid the cares and duties of the cardinalate, in which he is distinguished by his activity and zeal, his eminence has found time to issue *pari passu* from the groaning presses of the Propaganda, ten similar volumes in royal octavo, equally recondite and miscellaneous in their contents! Several new volumes, among which are the works of Sophronius, are, we understand, now ready for the press; and the most interesting of all, the celebrated *Codex Vaticanus*, is, we believe, already printed, and on the very eve of publication.

The reader who has no means of judging of the work beyond the vague impression created by the vastness of its bulk, and the incredibly short time* in which it has been prepared, may form hence, notwithstanding, some conception of the labour which it must have cost a single unassisted editor. But when he has minutely examined the collection itself, the character of the works which it comprises, and the sources from which they are derived; when he has discovered that its extent is even inferior to its learning; that as much apparent pains have been devoted to each part, as though it alone had been the object of the editor's care; and that the translations, prefaces, and illustrations of a single volume might well be the fruit of many years' study—it is only then he can estimate the merit of this prodigious monument of human diligence and learning, and the obligations which

* From 1825 (when the first edition of the first volume was published) till 1838.

literature owes to the indefatigable mind by which it has been raised.

Nor is it the extent of the collection alone, but the vast variety of subjects which it embraces. There is no department of human learning which, in its extensive range, has not received some important contribution. Literature, sacred and profane—Greek, Latin, and Oriental—eloquence, poetry, jurisprudence, and, above all, history, have each its own place; and the illustrious editor appears equally at home in all. Since the revival of letters in the fifteenth century, and the first outpouring of the wealth of the ancients after the discovery of printing, it would be difficult to find a period in which the united efforts of the entire republic of letters have done so much for the extension of its domain, as a single individual has thus accomplished, unaided, within the space of a few brief years. We have said, unaided; because in this immense undertaking Cardinal Mai has relied exclusively on his own resources—himself arranging and deciphering the manuscripts—transcribing them with his own hand—himself executing all the translations (in some instances poetical) which accompany the text, as well as the copious notes by which it is illustrated—in a word, all, even to delineating with his own pencil the accurate and beautiful fac-similes prefixed to each of the volumes! It will scarcely be credited, and yet it is literally true; the only assistance which he received, being in the treatises of Sedulius, Decorosus, and Luculentius, (an inconsiderable part of the ninth volume) which were copied from the MS. by the amiable and learned Father Theiner, to whose personal services the cause of religious literature is already so deeply indebted.

It will be easy therefore to perceive the impossibility of giving, within the limits at our disposal, any account, however meagre, of the entire work: and indeed a bare enumeration of the contents would far exceed them. We propose to confine ourselves chiefly to one single department, more illustrative than the rest, as well of the difficulty of the task, as of the singular and unexampled endowments of the venerable author. We have selected, therefore, the second volume, for two reasons:—first, because its principal subject, history, will, we presume, be found most generally interesting; and secondly, because it supplies the most remarkable example of the peculiar triumph of Cardinal Mai's genius—the restoration to the world of the learning hidden in the PALIMPSESTI or *codices rescripti*—until his time almost univer-

sally regarded as lost, hopelessly and for ever. Perhaps it may not be inappropriate to premise some account of the nature and origin of the palimpsest parchments, whose discovery has opened a new era in the history of literature.

We can easily conceive the enthusiasm with which a mind like Cardinal Mai's has devoted its whole energies to this novel study. There is something peculiarly interesting in the fate of one of those mysterious volumes—uninscribed sepulchres of the unknown or forgotten heroes of old. To unbury and identify their remains—to reunite their withering and fleshless skeletons, and call back the spirits which have slept for ages, is a sort of literary daring, which must charm by its very boldness and singularity. It is to push letters beyond their natural, or at least prescriptive limits; to open a converse forbidden to less gifted or less enterprising spirits, and, by a sort of intellectual necromancy, to hold the entire world of shades at our command. Who is there that would not covet the glory of the enterprise—

Pandere res alta terra et caligine mersas!

The practice of writing a second time on a parchment or papyrus already used, had its origin in the dearth and scarcity of writing materials. It is extremely ancient, and not without examples even amid the wealth and luxury of Rome. A paper of coarse material, called *palimpsestus*, was manufactured for the purpose, and in one of Cicero's letters to Trebatius,* there is a playful, but homely enquiry, suggested by his correspondent's having written on a palimpsest parchment. It does not appear, however, to have prevailed to any considerable extent during the classic times. The comparatively abundant supply of papyrus from the Egyptian market,¹ obviated the necessity of what was, at best, a troublesome expedient; and perhaps it was confined to the uses of a modern blotting-book—for memoranda, or the first draft of literary compositions. But, at a later period, when the division of the Empire rendered the intercourse with the East more difficult and irregular, and thus diminished the supply of this valuable material, the practice seems to have been more generally adopted, and on a larger scale. Meanwhile, in the anarchy consequent on the inroads of the barbarous conquerors of Rome, the peaceful arts, and among them, the manufactures, were interrupted and dwindled away;

* Cic. Fam. vii. 8.

and when, eventually, the successes of the Saracens in the East deprived Europe entirely of the papyrus, the art of reparing parchment already used, furnished almost the only substitute within the reach of the less opulent classes.

Such is the origin and history of this very singular practice. It is unnecessary to enter into the speculations of antiquarians as to the period at which it came into use, and that at which it was abandoned. From the eighth till the fourteenth century, when the unhappy causes to which we have referred were most rife, it is found to have prevailed more than at any other period; and these unfortunate circumstances of the time have furnished occasion to an accusation against the monks of the Middle Age, industriously exaggerated by those, who, blind to all the excellencies of this remarkable period, love to dwell only on its darkest and most displeasing features, and can see nothing but superstition and barbarism in its most faultless institutions. Our readers, we doubt not, have met it a hundred times in some of its many forms. The following extract from D'Israeli's *Curiosities of Literature*, seems to embody them all.

"The works of the ancients, were frequently destroyed at the instigation of the monks. They appear sometimes to have mutilated them; for passages have not come down to us which once evidently existed; and occasionally their interpolations and other forgeries formed a destruction in another shape, by additions to the originals. They were indefatigable in erasing the best works of the most eminent Greek and Latin authors, in order to transcribe their ridiculous lives of saints on the obliterated vellum. One of the books of Livy is in the Vatican, most painfully defaced by some pious father for the purpose of writing on it some missal or psalter, and there have been recently others discovered in the same state. Inflamed with the blindest zeal against everything pagan, Pope Gregory the Seventh* (!) ordered that the library of the Palatine Apollo, a treasury of literature formed by successive emperors, should be committed to the flames. He issued this order under the notion of confining the attention of the clergy to the holy scriptures! From that time all ancient learning which, was not sanctioned by the authority of the Church, has been emphatically distinguished as *profane* in opposition to *sacred*†." * * *

"Ignorance and barbarism unfortunately seized on Roman manu-

* This calumny, which we have already refuted (vol. v. 63, *et seq.* "Prejudices of Early Education"), is here ignorantly transferred from St. Gregory I to Gregory VII! In the index, to which we had the curiosity to refer, Gregory VIII is made to bear the obloquy.

† "Curiosities of Literature," tenth edition, p. 18.

scripts, and industriously defaced pages once imagined to have been immortal! The most elegant compositions of classic Rome were converted into the psalms of a breviary, or the prayers of a missal. Livy and Tacitus "hide their diminished heads" to preserve the legend of a saint, and immortal truths were converted into clumsy fictions. It happened that the most voluminous authors were the greatest sufferers; these were preferred, because, their volume being the greatest, most profitably repaid their destroying industry, and furnished ample scope for future transcription. A Livy or a Diodorus was preferred to the smaller works of Cicero or Horace."*

To objections of this class we have never attached much importance. No one ever denied that, owing to causes over which religion certainly exercised no control, profane literature was little cultivated, or entirely neglected during the Middle Ages. But he would be a very superficial reasoner who would draw from such a fact a conclusion unfavourable to religion; and we are so accustomed to meet in our popular writers, declarations similar to that cited above, that we have learned to regard them with indifference. But, perhaps, while we are directly discussing the question, it may be well to show how grossly these and similar statements are exaggerated, and how imperfect, or rather how completely defective, is the evidence by which they are brought home to the monastic body. The case is simply this. Many of the ancient classics have been entirely lost; scarcely any have come down to our time unmutilated. Now a few morsels of some of these have been discovered under writings evidently monkish. It is equally evident, that the ancient MS. of the pages thus re-written was defaced in order to make room for the modern. Hence it is at once concluded, that *all* this destruction is the work of the monks—and all the result of their conscious ignorance and consequent hatred of the ancient learning. Such, in substance, is the simple argument, divested of the declamation in which its shallowness is concealed.

Now let us see what should be proved, in order that this conclusion may be legitimately deduced. It should be shown, in the first place, that this wholesale system of defacing ancient MSS. was entirely, or in great part, attributable to the monastic bodies, or executed by their orders. It will not be enough to show that the monks sometimes themselves obliterated the old writing, or even that the modern manuscript is generally monkish; because the first would not warrant a

* "Curiosities of Literature," p. 7.

universal conclusion, and the second would be perfectly compatible with the supposition (which we shall show to be most probable), that the system was carried on, chiefly for the purposes of traffic, by the book and parchment venders. Secondly, it should be proved, or at least some evidence should be adduced to make it probable, that the monastic scribes were in the habit of destroying, for the sake of the parchment, *perfect* works existing in their libraries. It is not enough that they wrote *de facto* upon the remains of the classical authors; for it might be, that they used only those copies which, from time or the violence of barbarian hands, had been so mutilated as to be of little value, and spared all which were in a condition at all approaching to completeness. Thirdly, in order to establish the blackest of the charges, namely, the hatred of literature, it would be necessary to show that all this was done with malice prepense, or even with a knowledge of the fewness of the extant copies of classic authors. Nothing short of this will substantiate so sweeping a charge.

Now, whatever the case might have been before the examination of palimpsests, and while their contents were still a subject of speculation and of conjecture, the discoveries of Cardinal Mai, and the investigations of other literary men, far from showing that all or any of these may be demonstrated, all tend to establish the very contrary.

In the first place, it appears quite certain that the parchment venders repurchased the old manuscripts as an article of commerce; their ordinary title *pergamenarius* is employed in this signification;* and that it was done upon a large scale we may easily suppose, when we find that even the early printers sometimes used the repolished parchment instead of paper.† Besides, it is abundantly evident that the copyists of the monasteries were not the only patrons of the practice. We sometimes find mere official documents (*diplomata*, see preface of *Cicero de Repub.* xxxi.) written upon the palimpsest. Very frequently the dispossessed MS. is of a sacred character, which it is not probable the monks would sacrifice; and, above all (what must be conclusive with those who represent them as enemies of classic literature), it is frequently found

* See Ducange, v. 366. The fact is admitted by the best authorities. Edinb Rev. xliii. 375.

† As for example Nicholas Jenson, in his edition of the Clementine Constitutions, 1476. See *infra*, p. 404.

to have been erased in order to make room for a profane successor—for the very classics which the monks have persecuted with such implacable animosity! Not to multiply examples, Dr. Barrett's well known Gospel of St. Matthew was the ground of a palimpsest; Wetstein's readings of the *Codex Ephremi* were found under the works of the father from whom the MS. is called; a work of the schismatic Photius was found written over the *Sacrarum Rerum Liber* of Leontius; even a book of liturgies is displaced to make way for Bede's work, *de Temporibus*;* while, on the other hand, the version of Ulphilas is profanely erased for the comedies of Plautus, and the *Medea* and *Ædipus* of Seneca;† the odes of Horace are written over a book of pious homilies,‡ and even St. Gregory the Great himself is recklessly sacrificed to supply paper for a copy of the *Æneid*, and an ancient commentary on its beauties.§

This is further confirmed by the miscellaneous character of the scraps of which we frequently find the palimpsest MSS. composed. Sometimes a few stray leaves of palimpsest are met among the sheets of a large manuscript. Sometimes scraps of three or four different books,—often in different languages,—are joined together to fill up a volume, when the clean parchment had failed. Oftentimes the entire is made up of patches of the most unconnected kind, all incomplete in themselves, and all independent of each other; nay, occasionally the same palimpsest will form portions of two different manuscripts, and in different libraries! Thus, in the examples already quoted, the Gospel of St. Matthew was mixed up in the Barrett palimpsest, with the works of St. John Chrysostom, a portion of Isaiah, and several other less important fragments. Cardinal Mai's *Ante-Justinian Code*, was used, along with two other similar scraps, to supply the deficiency of parchment in a half-finished manuscript; the version of Ulphilas was found in the same palimpsest with a portion of the Bible in Greek, some straggling leaves of the works of Galen, and several other patches of less interest; while the palimpsest of *Fronto* was discovered, partly in the library of Milan and partly in the Vatican. May it not fairly be concluded, from facts like these, either that the dearth and rarity of parchment made the palimpsest an object of traffic with the traders, whose collections were thus of a most miscellaneous

* Vat. Col. iii. part 2, p. 248.

† Vat. Col. iii. part 2, p. 190.

+ Horne's Introd. ii. 95.

§ Published by Card. Mai. Milan: 1818.

character? or, at least, that the monastic copyists did not deal in that wholesale and reckless destruction of *perfect* MSS. which their enemies ascribe to them? But, in truth, there is not a single palimpsest which does not confirm the latter supposition. For, unhappily, *all* are found, when deciphered, deplorably defective; and by far the greater number in such a mutilated state,—without beginning or ending, or any evidence of integrity,—as to make it almost incredible that they had not already, when taken asunder for the purpose of rescription, been in a state of hopeless mutilation.

But, in the third place, even were the fact established, it would still be far from proving any formal hostility, or perhaps indifference, to literature. There is a wide difference between defacing a single copy of an author, and recklessly consigning his works to utter destruction. We can conceive the case of a simple monk, blotting out a few sheets, of perhaps questionable poetry, to write out a new breviary, of which he happened to stand in need; or copying for the meditations of his community, the homilies of St. Gregory, or the confessions of St. Augustine, over the works of Cicero or Livy; without ever dreaming that he was thus robbing posterity of the works of the unlucky author, to whom chance or necessity directed his hand. In those troubled times the intercourse of the learned was necessarily precarious and imperfect. It was difficult, if not impossible, to ascertain the state of the different libraries, and to determine, by comparison, the number of copies extant of any particular author. It is well known that they were believed much more numerous than, unhappily, the event proved them to be. Who could have imagined that the history of Livy, which had been in the hands of all the world, would have come down to us curtailed of its largest and most valuable part? Still more, that Tacitus, whose works were placed in all the libraries by order of his imperial descendant, with an order that ten copies should be made each year, would have owed his preservation, all mutilated as he is, to a single copy saved from the ruin of its fellows, in a monastery of Westphalia? Impressions such as these, would naturally render men indifferent to the fate of a single copy; little dreaming that, with its preservation, was wound up the destiny of that author of whom it now remained the last and only representative.

But without dwelling farther upon an assertion, which, if restrained by no better feeling, might well have been stayed by the recollection of the many undoubted services of the

monks to literature, we shall merely observe that unhappily there is no need of such theories in order to account for the losses which we must all deplore. The violent dismemberment of the Roman Empire, the fierce contests by which its breaking up was succeeded, the anarchy and revolution which for ages upturned again and again the entire system of society in Europe, and rendered the tenure of peace, even while it endured, always precarious and unnatural, make it rather a matter of surprise, that, even in the peace of the cloister, so much should have escaped the universal ruin. When we remember how few books, out of the many thousands printed in the fifteenth century, have, with all our love of literature, come down to our day; how many editions have wholly disappeared, scarcely without a trace of their existence; can we wonder that, among the comparatively small number of perishable manuscripts, very many should have been destroyed during centuries of turbulence and revolution! And even in better times, since the revival of letters, how much has been lost by the thousand chances to which all human things are exposed! How much was destroyed in the very effort to restore it to the world! Petrarch had seen in his youth the works of Varro and the second decade of Livy; he himself had a copy of Cicero's treatise *De Gloria*: all have been irrecoverably lost. Cardinal Mai enumerates from a MS. of no great apparent antiquity, containing the catalogue of a library at Constantinople, the complete works of Dion, Sophocles, Euripides, Aristophanes, Menander, Philemon, and Euclid. There were traces in the fifteenth and sixteenth centuries of several copies in different countries of Cicero *De Republica*; and Cardinal Pole expended two thousand pieces of gold in the attempt to recover it. Who can say what treasures perished in the partial destruction of the Pinellian library? in the shipwreck of Guarino Veronese's noble collection? in the pillage of the Vatican in 1527? nay, in the early editions of the first published books, which were sometimes printed upon repurchased parchment? Even at home, in England, who shall pronounce on the amount of loss sustained in the pillage of the suppressed convent libraries, "over which John Bale weeps. Those who purchased the religious houses, took the libraries as part of the booty, with which they scoured their furniture, or sold

* Peignon, "Essai sur l'Histoire de Parchemin," 83-84.

the books as waste paper, or sent them abroad in ship-loads, to foreign book-binders.* Alas, alas, there are too many causes to divide with the monastic scribes the guilt of this literary delinquency, that their share of blame should lie heavily upon their memory.

And on the other hand, it may fairly be doubted whether this obnoxious practice has not proved, upon the whole, rather beneficial than injurious to the interests of literature. It is not improbable that the manuscripts selected to be rewritten, being thus rendered objects of more every-day attention, were preserved with greater care from the fate to which, if spared, they were exposed in common with their fellows: the very attempted destruction, like the lava which overwhelmed Herculaneum, becoming eventually the instrument of their preservation. Luckily, in many cases, from the tenacity of the ink employed, the copyist failed completely to obliterate the original writing, and a few faint and straggling lines may still generally be observed beneath the heavier character of the modern manuscript. But the appearance of these *codices rescripti* is far from being uniform, owing to the different degrees of care bestowed on the preparation of the parchment. In some it would appear that hardly any pains had been taken to efface the original writing. Others were carefully washed with a sponge or wet cloth; and we have seen some which bear abundant evidence, besides, of the use of the scraping-knife (*rasorium*), or some other sharp instrument, which the polish of the pumice-stone has failed to remove. The form and size of the letters also varies very much, and the new lines sometimes cross, but more frequently run parallel to the old. But in general, whatever their minor varieties, the yellow and discoloured ground, the frequently invisible characters of the old writing, and the distracting prominence of the new, all combine to fatigue the eye and embarrass the task of deciphering the original. It will be remembered, too, that, at the epoch to which most palimpsests are referred, the practice of dividing words and sentences had not been introduced; and the perplexity incidental to this under every contingency, is materially increased in a text so mutilated as that of a palimpsest must necessarily be. Cardinal Mai has given some curious examples of the embarrassments thus occasioned, in the preface of his *Cicero de Republicâ*.

* "Curiosities of Literature," p. 18.

But it were well if these, and such as these, were the only difficulties which the editor of a palimpsest has to encounter. The following extract from the same preface will show that, in most instances, they are, perhaps, the least important.

"The disorder of the leaves of the palimpsests arose from their being ordinarily moistened, washed, and afterwards scraped, in order to be prepared for the new writing. The leaves, therefore, were taken asunder, handled by the artists, polished, and afterwards dried, in order to be prepared for the new volume, whence the obscurity and defacement of the old writing, render it impossible, as its antiquated form makes it inconvenient, to preserve the same order. But lo, another disaster! The borders of the old leaves are, in the necessities of the new arrangement, pared around, or the sheets are folded anew, or the pages are cut in the middle. The ancient method of putting a book together, was the same which we follow since the invention of printing: the book was not composed of single and separate leaves, but of a certain number of sheets. These sheets, in proportion to the number of pairs of leaves which they contained, were called *duernio*, *ternio*, *quaternio*, and *quinter-nio*. Sometimes we see these different kinds of sheets mixed in the same manuscripts. A numeral mark is generally written upon the last page of every sheet; sometimes, but more rarely, it occurs in the first; and we find both usages retained by the early printers. Whoever arranges a MS., therefore, must first apply himself to restore the straggling leaves to their several sheets, and then dispose these according to the order of the marks. This, though it may easily be done in a perfect MS. is much more troublesome in a mutilated and damaged one, as most of them are. For what if the mark be obliterated? if the last leaf of the sheet is wanting? What again, if several intermediate leaves have perished, so that, the connexion being destroyed, you may perhaps, if the mark is preserved, know the order of the last leaves, but are uncertain in which sheet the intermediate ones should be placed? Add also this inconvenience, that the folding of the leaves is frequently inverted. Sometimes, indeed, if the MS. be taken asunder, this may be detected by certain marks of the parchment: but generally it must be discovered from the context of the subject. What again, if several or all the leaves are single? And so it is in all those MSS. in which a pair of leaves is made out of one of a larger size. In all this, we must constantly keep our attention fixed on the continu-ousness of the subject, with which guide we sometimes may almost dispense with every other mark. But though this connexion is often very evident in historical works, in philosophical or oratorical, it is somewhat more involved;—and not so much indeed in perfect writings, but exceedingly in defective or obliterated."—pp. xxxi.-iii.

What a literal exemplification of the *dissecta membra poetæ* ! Add to this irksome and fatiguing investigation, the perplexity arising from the blunders of the transcriber, and you will readily acknowledge with Cardinal Mai, all enthusiastic as he is, "that the path of these ancient authors indeed requires to be cleared of many a thorn, and many a bramble !"

But, although the palimpsests are, generally speaking, much more legible than it would have been deemed possible, yet, in some cases, the artist has succeeded so completely in his work of obliteration, as to render the task of deciphering all but hopeless. In such a case the student has need of all his patience and all his perseverance. If he would follow in the footsteps of his illustrious and venerable predecessor, he must not be discouraged at the prospect of toiling for an entire hour over a sentence, or even a single word; he must often be content to suspend his labours according to the vicissitudes of the weather, deferring his toilsome task from noontide to noontide, and labouring only in the brightest hours of the brightest days; he must be prepared to bear up against every failure, to be stimulated by every success, however trifling, and to think no labour too great which conduces, even remotely, to the attainment of his object. Truly

"Qui studet optatam cursu contingere metam
Multa tulit fecitque puer, sudavit et alsit !"

The cardinal has recorded, in several of his prefaces, the details of the entire process, with all its hopes and fears: its successes and disappointments, from the first discovery of the MS. till the final delivery into the printers' hands. But it is only an examination of the palimpsests themselves that can enable us fully to estimate its difficulty.

"There is, in the recesses of the Vatican Library, a Latin parchment MS. written partly in square letters, of about the eighth century. It is numbered 5776, and contains the Conferences of the Hermits of Egypt, written by Cassian. It wants the beginning, as we are apprised in the catalogue of this library itself, commencing with the fourth conference (of which, however, the first words are wanting) and ending with the tenth, the MS. thus containing about a fourth part of the work. On examining the text of this Cassian, I thought it very good, and discovered in it many various readings, by which this book, which has often suffered from the preposterous judgment of critics, is rendered much more pure, and of an orthography more consonant with its age. Nor, indeed, would it be an unuseful service to Christian philology, if one would undertake, by the aid of this Vatican MS. to amend and purify the text

of these pious Conferences of Cassian. It appears quite certain that this MS. came to us from the library of Bobio, although it has not the mark of that monastery ; because, as I said, the first leaves are lost. But in reality, the Conferences of the Fathers are enumerated in an ancient catalogue of the library of Bobio published by Muratori. The form, too, and decoration and ornament, as well as the vicinity of the other manuscripts of the library of Bobio, all proclaim it to be of that origin. And this is the more evident, because the remains of the Theodosian code, which are preserved in it, along with the more ancient law (of which we shall have occasion to speak hereafter), appear to be written in the same hand with a part of the Turin fragments of the same code, the sheets of which we know to have come from the monastery of Bobio.

"The MS. consists in all of a hundred sheets, forty-three of which were never used until the Conferences of Cassian were written upon them ; the rest belong to that class of parchments, which having been written upon at a very early period, were afterwards consigned to destruction ; the older writing being washed out in order that they might be prepared for new. The monastic copyist made up the clean sheets of parchment into volumes of an oblong form ; and, when they failed, took three MSS. of civil law asunder, and having washed, cut, and folded them, as the circumstances required, applied them to his own purposes. As this requires a little more explanation, I shall speak of it in detail.

"There were, as I said, three volumes of law, on which the copyist of Bobio laid destructive hands, when transcribing the Conferences of the Fathers. The first is a volume of that inedited work which holds the principal place in our edition. It was originally of a square form, and of a size larger than ordinary ; each page containing thirty-two lines of more than the usual length. Of this very large MS. the transcriber of Cassian applied many sheets to his own use, which he not only washed, in order to write upon them again, but also cut asunder. Out of each sheet he made three leaves, namely a sheet and a single leaf ; for this form was better adapted to his new oblong volume. These pieces of the sheets thus cut, were partly sewed into the volume, although in sufficient disorder ; and, now that they have been at last returned to their places, and placed side by side, correspond so exactly, that the very letters, formerly cut in two by the knife, reunite once more, and are restored to their original integrity. A great part of the sheets has not been retained in the MS., the blame of which rests with fortune ; and is the greater, because all the rest of this perhaps immense work, containing the entire law, seems to have mouldered away on the shelves of Bobio. Meanwhile, I have taken every care to purify and repair the part which I have in my hands, and I have laboured to make my book present, as it were, an image of

the restored MS. I have given in the margin the marks of the pages, I have numbered the lines, and distinguished them by a vertical stroke. I have designated the cutting of the leaves by a double hyphen where the gap is now reunited; and, by a triple one, the transition from one page to another: lastly, I have indicated by points the hiatus of the text."

The knowledge of difficulties such as these, joined with the uncertainty of success, long operated as a check on the enterprise of the learned. The treasures of the palimpsests were regarded as hopelessly lost; or, at least, there wanted energy and perseverance to undertake their recovery by any steady and systematic investigation. The history of Cardinal Mai's predecessors is briefly told. The earliest deciphered palimpsest appears to be the well-known *Codex Ephremi*. It was found to have contained a large portion of the Old and New Testaments in Greek, under a Greek translation of some works of the father from whom it has its name. But it was suffered to remain for a considerable time unexplored. The celebrated biblical scholar, Kuster, examined it partially; but the full and perfect investigation of its contents was reserved for Wetstein, who has drawn from it some of the most valuable readings of his edition. In a similar manner, a considerable supplement of the Gothic version of the Scriptures (especially the Epistle to the Romans) was obtained, in 1756, by Knittel, prefect of the Augustan Library, at Wolfenbüttel. He deciphered it from a palimpsest of that library, in which, along with a portion of the Gospels in Greek, some of the works of Galen, and other fragments, it formed the ground upon which the *Origines* of St. Isidore of Seville had been transcribed. After a considerable interval, in 1773, Peter Bruns detected a fragment of the ninety-first book of Livy, among the *codices rescripti* of the Vatican. He published it, with an ample preface, descriptive of the discovery. The well-known Dr. Barrett, vice-provost of the Dublin University, followed, after nearly thirty years. In 1801, he printed not only the text, but also fac-similes, of the fragments of the Gospel, which were found, as we have already observed, in a palimpsest of the university library.

This we believe to be the sum of the successes which had been obtained before the commencement of Cardinal Mai's brilliant career. The good genius of literature had placed him in a position the most favourable to his researches—the Ambrosian Library at Milan. His first publication appears to have been a Latin translation, in 1813, of an oration of

Isocrates; the original of which had been published in the preceding year by a Greek named Andrew Mystoxidas. It was in 1814 that he gave the first specimen of what has since proved his especial talent. During that year he published, in two separate volumes, portions of six inedited orations of Cicero, with fragments of the ancient scholia: viz., in the first, orations in defence of Scaurus, of Tullius, and of Flaccus; in the second, against Clodius and Curio, *de Ære alieno Milonis*, and *de Bello Alexandrino*. This was his earliest essay; but the following year laid the foundation of that character which he has since so abundantly verified. It brought to light a considerable portion of the writings of the celebrated Cornelius Fronto, the friend and preceptor of Marcus Aurelius, which before had been deemed irrecoverably lost. Their fate had long been a subject of regret to critics, for their own sake, and still more for the remarkable school—the *dry* school of oratory—of which, in the judgment of Macrobius, Fronto was the most distinguished representative. The volume contains a considerable collection of his letters, to M. Aurelius, L. Verus, Appian, and others; some of them valuable in a historical point of view. It is further interesting for some specimens of humorous compositions, as the “Praises of Dust and Smoke,” and the “Praises of Negligence,” similar in plan to the well-known “Encomium of Folly,” and for several letters of Marcus Aurelius and of Lucius Verus.

But it would be tedious to enumerate, chronologically, the several works which crowded upon each other during these prolific years. In the short space of twelve months, an oration of Isæus, eight orations of the celebrated Symmachus, a few fragments of the lost *Vidularia* of Plautus, a work of the famous philosopher Porphyry, before known only through his antagonists, and considerable portions of Dionysius of Halicarnassus, followed one another with a rapidity which, if the mere mechanical operation of printing alone were regarded, could not but be considered almost incredible; and during the remaining years of his connexion with the Ambrosian Library, he published the fourteenth book of the collection known as the Sybilline Verses, with a poetical translation; two works of the Jew Philo, together with a third, which had been falsely attributed to him, and inserted in the Ambrosian copy of his works; the Chronicle of Eusebius, including a Latin version of the Armenian translation of the lost book; a volume of ancient *scholia* on Virgil; and a splendid copy of

ancient pictorial illustrations of Homer's *Iliad*, together with unedited *scholia* on the *Odyssey*.

Success so distinguished, induced Pius VII, with those enlightened and liberal views which marked his entire policy, to desire that the singular endowments of such a man should be employed in a more extended sphere. Accordingly, he called the modest librarian of Milan to the far more important charge of the unexplored treasures of the Vatican. The event justified his views. He had the satisfaction to see before his death that his hopes were not exaggerated, nor his confidence misplaced. The *de Republica* of Cicero, which Mgr. Mai dedicated to his immortal patron, was the first instalment of his successes in the Vatican. The brief of the pontiff, addressed to him on this occasion, while it evinces his love of classic literature, and zeal for its diffusion, shows, at the same time, the high hopes then entertained of the illustrious editor's career, and which the *Vatican Collection* has not only realised, but illimitably surpassed.

It is now almost too late to turn to the second volume of this extraordinary work, which we had intended to make the chief subject of our intended observations; and we shall consult at once for the narrowness of our limits, and we are sure for the gratification of the reader, by introducing it without preface, in the words of the venerable editor himself.

"The reader, I suppose, will require me to speak a little more particularly of the palimpsest MS. which has furnished us these historic treasures. It is a volume of almost the largest size, dating about the tenth century, written runningly in rather small, but yet elegant letters, with marginal lemmas in rubric, and asterisks which denote a verse, an oracle, or any other remarkable passage which may occur. Once, indeed, it was a gorgeous and princely volume, and most worthy the royal court of Byzantium. But later, about the fourteenth century, it was embarrassed and obscured by another Greek MS. of a very celebrated work which was written over it; the pages being all disordered and some of them rejected altogether. I have given an engraved fac-simile of the Constantinian writing (if I may so call it) part of which is covered, part freed from, the veil of the modern characters. In truth, when I first approached it, and saw by the first glance that it was rewritten, I hardly hoped (though no tyro in this species of labour) for the complete success which I afterwards obtained. For the minute original characters were, as I said, buried and sunken under the modern writing, which was also small; unlike other palimpsests, in which the larger and more beautiful letters of the original shine out conspicuously from beneath the smaller modern manuscript.

I read some pages, notwithstanding, with a wandering and careless eye, till I discovered certainly that in this MS. were contained extracts, for the most part inedited, from the great historians Polybius, Diodorus Siculus, Dion Cassius, Eunapius, and some others."

This was a stimulus to enquiry. But it would be a great mistake to imagine that the labour of examination was now at an end; or even to fancy that, the authors being thus ascertained, there remained but the comparatively simple and straightforward task of deciphering their contents. Never was MS. found in a more perplexing, and, in truth, tantalizing condition. The extracts of the authors here enumerated did not form one continuous work; but were all isolated fragments, succeeding each other with most mortifying irregularity. What was still worse, the authors were not kept separate; portions of different works being placed side by side, without any fixed system, or at least without one the principle of which was immediately apparent. Difficulties like these, however, only served to stimulate the ardour of our indefatigable editor, and to render the triumph of his genius more signal and complete.

"But lo! a new difficulty and not the least perplexing! The extracts of the several authors were parted here and there in the palimpsests; the name of the writer, or the title of the book, seldom appeared; there were no marks of the sheets—innumerable gaps occurred in the text, partly from the compiler's plan, partly from the difficulty of deciphering the buried writing. But amidst the darkness of the re-written and disordered MS. a great light burst upon me, when I discovered that it was a part of those selections, which I knew to have been made by order of Constantine Porphyrogenitus; and found, in addition to this general fact, that the entire MS. was occupied by the title *De Sententiis*. In fact, this title appeared more than once written in characters somewhat larger than the rest. I found the word *γνώμη* (*sententia*) frequently traced, one time in red, another in black letters, upon the margin. But, indeed, I was at last satisfied, by a double and unquestionable evidence, that it was Constantine's title *De Sententiis* I had in my hands. For in Valesius' title *De Virtutibus et Vitiis* (Wesseling's edition, p. 560), the compiler apprises us that the rest of the conference of Lysimachus the Macedonian, with Dromichetas the Thracian, must be sought in the title *De Sententiis*. Now, in the Vatican MS. which, as I said, was entirely occupied with the title *De Sententiis*, both the beginning of the conference which is in Valesius, and the continuation of it, for which the compiler of his title refers to that *De Sententiis*, presented themselves to me, by a striking coincidence.

(P. 266, of my edition 44). Again, in the selections published by Valesius (Wesseling p. 547) the Pythoness is said to have addressed Lycurgus in poetic numbers; but the reader is referred to the title *De Sententiis*. Now, the Vatican MS. (p. 255, of my edition p. 1) presented to me perfectly the verses addressed by the Pythoness to Lycurgus, which the compiler of the Valesian title had mentioned, but omitted. There was no longer, therefore, any room for doubt; besides that the plan of the Vatican selection, the style of the authors, and the other notes of the critical art, placed it beyond all question."

This, as it were, instinctive sagacity, is among the most extraordinary qualities of this remarkable man. His prodigious erudition places the entire world of literature at his command. He can call up evidence from its remotest extremities. He seems to see by a sort of intuition—grasping at a single glance all the possible relations of a critical enquiry. The most minute and obscure shadow of probability becomes luminous under the influence of his learning, and he arrives with certainty at a conclusion, while a less gifted mind would still hesitate and linger over the first preliminaries of the enquiry.

There remained the task of deciphering the palimpsest with all its thousand difficulties;—of separating the text into sentences and words, of restoring conjecturally what the sponge or the scraping-knife had been too successful in destroying, of identifying each portion, assigning it to its proper author, determining its due place in the order of time as well as of precedence, ascertaining whether it had been already published, and finally, of translating into Latin the unconnected and disordered fragments: all this, too, without a guide, unassisted by the labours of any former adventurer, contending alone with all the difficulties of a text always imperfect in its context, frequently doubtful, and even corrupt, and all the incongruities of a broken and disjointed narrative! The difficulties of this task are, as will at once be perceived, peculiar to itself; and the skill with which they are surmounted here and in a hundred similar instances, constitute his eminence's peculiar merit. It is not the profound erudition alone, extraordinary and universal as it must be acknowledged. This is a praise which he must be content to share with many. But the acute, and as we have said, instinctive, power of criticism, the exquisite discrimination, the delicate taste, of which all his researches furnish lavish examples—these are exclusively his own;—*hujus gloriæ socium*

habet neminem;—because it is in an order entirely new, of which he is himself the founder, and of which the previous history of literature furnishes not a single example.

The process is in itself so singular, and is described with so much simplicity and grace, that we are tempted to continue the extract. We cannot help regretting the conventional usage which prevents us from presenting it in the chaste and elegant Latinity of the original.

“These foundations of my labour being laid, I began sedulously to apply to the deciphering and reading the MS. And in the first place it was necessary, by continued and powerful chemical applications, to bring out the buried and hidden writing, to make the characters, long since effaced and dead, assume a colour once more, and appear out from beneath the veil of the modern manuscript. Do not imagine, however, that it was an easy and amusing task to read the MS. thus prepared. It is, like the stone of Sisyphus, to be moved only by many and protracted efforts. And in this palimpsest,—which, as I said is written in small characters, and contains no less than three hundred and fifty-four broad pages of thirty-two lines each,—the labour was greater than in any other, and, indeed excessive. The MS. being at length deciphered and copied, chiefly at noon, and in the brightest hours of the day, it remained to separate the several authors which were jumbled together in extraordinary confusion and disorder; to arrange them one with another, as well as the parts of each by itself, to dispose the leaves in their proper places, and finally, to put together once more the sheets which the modern copyist had formed into new combinations. And fortunate would it have been if the sheets had ever had the numeral marks. But these having been originally omitted, by some accident or some neglect of the transcriber, there was no means for re-arranging them but by the order of the subject and the exercise of one's own judgment; guided by this, alone, as with the thread of Ariadne, I disentangled myself from the doubtful and tortuous mazes of the labyrinth. The trouble and danger, too, were increased in consequence of the same subject—as for example the Punic war—being related sometimes by three authors. There was need therefore of great caution, lest all should be attributed to one; or, what might more easily occur, lest there should be an interchange of authors or subjects, and as it were, a substitution of their offspring, each being deprived of his own, and compelled to receive that of another—an error which would be at once a source of ridicule to the editor, of inconvenience to the reader, and of injury to the character and fame of the authors themselves. The plan which I adopted for restoring the ancient sheets, proved an admirable means of securing me from confounding the passages of different authors, especially those of Diodorus (as the war of

Pyrrhus, for instance) with the similar history of Dion. My Scholia will explain the system and the marks by which I was guided in referring to the different books (which were seldom distinguished in the MS.) the passages of each author when deciphered, for I have done nothing gratuitously, or without the permission of the reader.—(*Script. Vet.* Tom. II. p.p. xxxi.-iii.)

The reader is acquainted, we doubt not, with the history of the vast collection of which the palimpsest was thus discovered to be a part. It was made in the early part of the tenth century, under the auspices of Constantine Porphyrogenitus. In the correspondence of Fronto with the emperor, published by Cardinal Mai, there is mention of a common-place book, containing extracts from different authors, arranged under different heads; and we have many examples among the ancients, if not of collections on precisely the same principle, at least of epitomes and compilations on a similar plan. But the emperor Constantine Porphyrogenitus undertook it upon a more gigantic scale than had ever before been devised. The task was committed to the most learned men of his court: he himself assisted in the compilation; and it was completed in fifty-three titles or heads, each of which comprised a selection of opinions and examples on its own particular subject from the most eminent writers of antiquity. But this prodigious work scarcely outlived the reign of its projector. Out of the fifty-three titles, on whose collection so much learning was lavished, only two were known before the time of Cardinal Mai's discovery. Of the remaining fifty-one, there was no trace whatever beyond the names of twenty-two, to which there are occasional references in the two which have been recovered. By similar references in the Vatican palimpsest, we have learned the names of three others,—*De Rerum Successione*; *De Arte Imperatoria*; and *De Rerum Inventoribus*,—besides its own, *De Sententiis*; or, as it is elsewhere called, *De Sententiosis Effatis*. But all the rest appear hopelessly lost; nor is the history even of so much satisfactorily ascertained. We know that the emperor himself had some share in the work, and that the title, *De Legationibus*, was compiled by a certain John, a native of Constantinople: but all the rest has been forgotten along with the work itself.

Whatever may have been its merits, considered with reference to the end which it was intended to serve, the contents of the titles which have been recovered are such as to make us deplore the loss of the rest. The Vatican MS. was found to contain copious extracts from the histories of Poly-

bios, Diodorus Siculus, Dionysius of Halicarnassus, Dion Cassius, Appian, Dexippus, and Eunapius, for the most part inedited; besides many from Xenophon, Arrian, Procopius, and Theophylact, which, as being already published, the editor has omitted in his most interesting volume. It would, of course, be impossible to compress into any reasonable space an account of the new historical matter recovered by this discovery; and perhaps we shall better consult the convenience of our readers by briefly noticing the present condition of the text of these several historians, as enlarged by the restoration of the fragments thus unexpectedly brought to light.

We shall begin with Polybius,—the writer whose mutilation, if we except Tacitus and perhaps Livy, has left the most deplorable gap in ancient history. Out of the forty books which he wrote, only the five first have come down to us entire. A few inconsiderable fragments of the succeeding twelve (especially the seventeenth, which contains the chapters *De Re Militari*) had also been preserved, in many instances rather condensing the substance, than presenting the form, much less the words of the narrative. The titles of the Constantinian collection, already published,* contained fragments of the remaining books, much more considerable and better preserved, especially the title *De Legationibus*, which is very full in some of the books. Perhaps the Vatican title is less rich in a historical point of view. But, on the other hand, it is more miscellaneous; and, its subject being entirely independent of the others, there is less of repetition than there would have been, had it been purely historical in its character. It is better calculated, therefore, to form a supplement to what had been already published, very little of the matter which it contains having been anticipated. The extracts commence with the sixth book, and extend to the thirty-ninth inclusively, and form one hundred quarto pages, without counting passages already published, and therefore omitted in this edition. There is only one drawback on the satisfaction with which we regarded these long lost treasures. We had occasion just now to observe, that the reader is sometimes referred for a passage from one title to another, and a most mortifying example of this occurs in the Vatican

* "*De Legationibus*" (by Fulvius Ursinus; Antwerp, 1582; and by Hoeschel; Vienna, 1603) and "*De Virtutibus et Vitiis*" (by Henry de Valois; Paris, 1634).

palimpsest. The entire of the fortieth book is omitted. We have not even a single fragment, but are referred for it to the title *De Rerum Inventoribus*.* Now, from the fragments which we already possess, we know enough of the fortieth book to feel its loss the more severely. It contained the history of the close of the Achaean war, a period but little known, and in which Livy's account, besides being miserably meagre, is not altogether above suspicion. The history of this great writer, therefore, is still in a deplorably mutilated state, and, even with the addition of these numerous and valuable morsels, is, after all, but a series of disjointed fragments. For almost all that we possess, we are indebted to the Vatican Library. The original edition was published from a Vatican MS. by Perotti, in the reign of Nicholas V, almost at the very first introduction of printing into Italy.

The first edition of Diodorus Siculus,—an equal sufferer from that fate which has fallen so heavily on the ancient historians,—was also printed from a Vatican MS. by the celebrated Poggio. It contained only fourteen out of the forty books into which the "*Historical Library*" was divided,—viz. the first five, and from the eleventh to the twentieth. A few fragments, some of them of doubtful authenticity, were all that remained of the rest. Since that time this valuable history has received no considerable accession; and it is naturally a subject of self-gratulation to the editor, that the same library to which we owe it in the first instance should now possess the further claim upon our gratitude, which the publication of so considerable a supplement must give. The Vatican palimpsest has, indeed, added very considerably to the existing remains of Diodorus,—although (we need hardly observe), in the same fragmentary form. It consists of seven sheets, five of which are entirely inédited; and it is the more available, inasmuch as it appears that Diodorus has shared but little, if at all, in the injuries of other parts of the MS. It would seem that we have the extracts from his works almost as they were inserted in the original compilation. The only loss is one of little moment, as the books which would have suffered from it (i.-v.) are preserved entire in the original edition. The extracts, therefore, commence with the sixth, and are continued (except, as we have said, in the books which we

* Εν τῷ "περὶ τῶν εἰρηρῶν" ζητεῖ τὸν ἢ λόγον. What a treasure, even for its own sake, would this lost title be! How Beckman's eyes would have glistered over its pages!

possess entire) down to the fortieth inclusively. Hence there is no portion of the volume in which the learning of the editor has been rewarded with more tangible success. It consists of a hundred and thirty-one pages, and the extracts are often of a very considerable length. They are all restored with much judgment to their proper places; the chronological arrangement displays the vast erudition of the editor, and the text is constantly illustrated by references to the other historians or antiquarians; every apparent discrepancy of facts, or of chronology, which the new discovery has suggested, being pointed out and fully investigated. He has been enabled in the course of his researches, not only to identify, as the property of Diodorus, several passages which were hitherto unappropriated, but also to detect many unsuspected plagiarists. The thefts of the Latin writers from the Greeks, in all matters, but especially in history, were no secret; we were aware that Livy was not the only Roman historian to whom the "*haud spernendus auctor*" had supplied materials. But the Vatican manuscript has proved fatal to the literary honesty of Diodorus; he, too, is discovered not immaculate, and, on the evidence of Cardinal Mai, we are compelled to pronounce him, as well as the Romans, guilty of petty larceny from the pages of Polybius.

In speaking of the early publications of our author, while yet attached to the Library of Milan, we noticed several considerable fragments of Dionysius of Hallicarnassus. When, in the first ardour of discovery, he gave them to the public, he imagined them to be portions of that abridgment of his larger work, which we know to have been made by Dionysius himself. A closer investigation has induced him to alter his opinion. Some of the fragments are exactly the same, with the extracts (certainly unabridged) which are contained in the *Excerpta de Legationibus*, and *de Virtutibus et Vitiis*. These, therefore, he has very properly restored to the great historian, and incorporated, in the order of place and of chronology, with those recovered in the Vatican palimpsest. The "Roman Antiquities" consisted originally of twenty books. Eleven (I—XI) have come down to us without any considerable injury, but the rest were known only by a few unimportant fragments. We receive the more gratefully, therefore, the supplement furnished, by the title *de Sententiis*. It contains sixty-two pages, consisting of extracts from all the lost books, from the twelfth to the twentieth inclusively. And, indeed, independently of the

intrinsic value of this new matter, it is even more important, as forming a supplement to the extant books of Livy. Much of the subject of Livy's lost second Decade is treated in the recovered scraps of Dionysius; and we need not say that, whatever it may be in works of purely literary interest, in history every scrap is of importance; every new fact, however minute, is valuable; if not always for its own sake, at least for the light which it may throw upon motives or events but partially explained. And even those which we already possess in the old historians, may be read with interest and advantage in those newly discovered remains. There is always some truth elicited by the collision of authorities.

The preface of the fragments of Dionysius is especially interesting, for a curious and inedited sketch of his life and writings, by Canabutus, a Catholic Greek of the thirteenth century.

We are not so fortunate as regards the history of Appian. The palimpsest adds but little to our previous knowledge of this author; the unpublished extracts are very meagre; and, upon the whole, we can hardly be said to gain more than a couple of pages. But it is not so with his more voluminous successor, Dion Cassius. His immense history originally consisted of eighty books, of which, however, we possess little more than one-fourth,—and these too in a deplorably mutilated condition. The first thirty-four are completely lost; the succeeding ones, as far as the sixtieth, are tolerably preserved; but our only knowledge of the last twenty is through the compendium of Xiphilinus, and the few fragments collected by Theodorus. The palimpsest is far from filling up this lamentable deficiency of the work; but it furnishes a supplement, by a great deal the most important that has been discovered since its first publication. It begins with a part of the original preface, which is somewhat characteristic, as indicating a prejudice against elegance in historic composition, which prevails with some to the present day. After declaring that he has consulted almost all the authorities upon Roman history (although he has not used them indiscriminately in his own work), he requests the reader not to judge him, as other historians have been judged, according to his style. "Let not any one," says he, "doubt the truth of what I relate, in consequence of my using a pompous style, when the nature of the subject permitted. I have endeavoured equally to attain elegance and truth."* This is a warning which we

* P. 135.

should hardly have expected at that era of the Roman—perhaps we should rather call it the imperial—literature.

Then follows a continuous series of extracts down to the battle of Cannæ, following the thread of the narrative with much more regularity than might at first sight be imagined. Unhappily, at this point of the history the palimpsest is itself defective; nor is the series resumed till the reign of Augustus, from which period it is continued without interruption throughout those of the succeeding emperors. The work of Dion terminated with the reign of Heliogabalus; but the palimpsest contains fragments of a continuation down to the time of the first Christian emperor. The name of the author is not affixed, nor is anything known concerning him beyond the fact (which may be gathered from his history) that he was a Christian, though of what age it is impossible to determine. The mere collection of these fragments into one body, however laborious it must have been, is the least merit of Cardinal Mai's edition. They are all arranged in chronological order, and, by means of the admirable index, digested into a form available for the uses of the student, far beyond what could be believed possible for a series of fragments selected for an object not purely historical. The portion of Dion's history recovered from the palimpsest, occupies a hundred pages; but Cardinal Mai has added a further collection, extracted with great research from the MS. entitled *Florilegium Vaticanum*, which contains upwards of two hundred authors; and a third from the *Anthologia* of the learned but unhappy Greek monk Maximus Planudes. Each of these is itself chronologically arranged; but unfortunately not having been discovered till the rest of Dion had been already printed, they have not been interwoven with the general frame of the history.

There is another author whose loss would perhaps have furnished less cause of regret, and of whom, notwithstanding, a considerable portion is recovered;—we mean, the cynical and anti-christian Eunapius, well known to the readers of the *Decline and Fall of the Roman Empire*. He was a native of Sardis, and a physician by profession, who lived at the close of the fourth and the beginning of the fifth century. He is among the last assailants of the Christian faith, and has distinguished himself by his virulence, even above his most celebrated predecessors. His *Lives of the Sophists* is still extant; and it is from this work that Gibbon quotes his prediction “that a certain fabulous and invisible influence would tyrann-

nize over the fairest things of earth."* Fourteen books of his *Lives of the Emperors* were extant in the time of Photius; but all had perished except the few sentences cited as examples in the Lexicon of Suidas. The titles *De Legationibus* and *De Virtutibus et Vitiis* contained some extracts; and as Cardinal Mai has very properly inserted them among those of the Vatican title, his volume thus presents us with no less than seventy pages of an author almost entirely unknown. Eunapius commenced his history of the emperors at the reign of the second Claudius, surnamed Gothicus;† and brought it to a close, according to Photius, at the beginning of the fifth century. The extracts in the palimpsest, however, as in the case of Dion, descend lower, containing several events of the reign of Theodosius the Younger, and his sister Pulcheria. The tone of this work is much less violent, as far as we can judge from the extracts, than that of the lives of the sophists. But there is enough of bitterness to establish the authenticity; and though he generally appears to deal in insinuation rather than in broad attack, there is a passage at page 278, in ridicule of the monks of his time, almost identical, both in spirit and in language, with that cited by Gibbon in his history.‡

The work of Eunapius, although it precedes in order, is a continuation of the history of Dexippus, which occupies the next place in the volume. The latter being much more difficult of deciphering, was held over; and, indeed, appears not to have been immediately recognized; and the printing of Eunapius having proceeded in the meanwhile, there was no remedy for the misplacement. The extracts, including what Hoeschel had already published, occupy twenty-six pages. The work originally contained a compendium of history, from the fabulous times down to the death of Gallienus. From the broken and imperfect specimens which we possess, it is not easy to form an opinion of the merits of Dexippus. But the fact of his works having been deemed worthy of a continuation, is in itself a considerable testimony; and undoubtedly, if the estimate of his accuracy, discrimination, and taste, which is made by his continuator Eunapius, in the preface of his own history (pp. 248-9), be not a grievous exaggeration, we cannot help believing that we have lost much in the destruction of his writings.

* Μυθώδες τι και άειδες τυραννησει τα της γης καλλιστα.

† A.D. 268.

‡ ii. 212; ed. 1829.

There still remain of this vast and miscellaneous storehouse of lost literature, fourteen pages of the works of Menander. He was a native of Byzantium, and wrote, in eight books, the annals of the empire from 560 till '582. These voluminous memoirs, however, had long perished, and they were only known by a fragment published in the *Excerpta de Legationibus*. Unhappily, the palimpsest adds very little; but some of the facts are interesting, especially the account of the martyrdom of Isaozita, one of the most remarkable and edifying in all antiquity.* This is further curious, as having been the subject of what we may regard as among the earliest specimens of the Christian drama—a tragedy by Menander himself. But we know nothing of the merits of the work; it has perished among the other productions of its author; and indeed, if it may be judged from an epigram of his on the same subject, which is preserved, it is probable that its piety was its best claim to commendation.

Here ends the historical palimpsest, and it does not come within our scope to notice the remaining contents of the volume. They are chiefly short treatises or orations on political science, by different hands. An essay of Nicephoras Blemmydas, a monk of the eighth century, entitled *ὅποιον δεῖ εἶναι τὸν βασιλέα*, "*Qualem oportet esse Regem*," and an exhortation of the Emperor Basil to his son Leo, are the most interesting of them all; although we fear, they will find few readers while they remain in the too attractive neighbourhood of the great fathers of Roman History.

This volume, however, is not to be taken as a specimen of the entire work. We have already said that its contents are of a most miscellaneous character; and we cannot close without calling the attention of our theological readers to the vast accession which ecclesiastical literature has received in its publication. Although there is scarcely one of the volumes which does not contain a great deal that is most interesting to a student of ecclesiastical antiquity, it is to the seventh, eighth, and ninth, we would specially refer as peculiarly rich in remains of the fathers. The seventh volume contains a long and valuable collection, entitled *Doctrina Patrum de Verbi Incarnatione*. It is the work of a priest named Anastasius, of whose history little is known; and from the form of the letters of the MS. (apparently of Egyptian origin) it is of great antiquity. It consists, as the title indicates, of extracts from

* P. 359.

the Greek fathers, on the doctrine of the Incarnation. It is unnecessary to say that much of the contents of this MS. was already known in the extant works of the fathers; but the editor has omitted all that was before published, so that his *Doctrina Patrum de Verbi Incarnatione* contains a mass of entirely new evidence of the early faith of the Church in this fundamental doctrine. The same laborious plan has been pursued in the publication of the *Sacrarum Rerum Liber*, of Leontius, a more miscellaneous collection, but on a similar principle; and in the original of this work, which is a palimpsest, the difficulty must have been infinitely greater. But the success well repays the toil; there is no price too high for the fragments of Irenæus, Athanasius, Cyril of Jerusalem, Cyril of Alexandria, and other fathers which are thus preserved. In the same volume are contained two short treatises of St. Ambrose, and one of St. Gregory Thaumaturgus, besides several lost passages of other fathers, which are cited by Leontius, in his book against the Monophysites—a work of very considerable intrinsic interest. The contents of the eighth volume are less fragmentary. It comprises several inedited works of St. Gregory of Nyssa and St. Cyril of Alexandria, from a MS. discovered more than a century since, by Zaccagni, librarian of the Vatican. We have two sermons of St. Gregory; the first against Arius and Sabellius, the second against the Macedonians. Of St. Cyril we have;—1, twenty-eight chapters on the Trinity; 2, thirty-five on the Incarnation; 3, a homily hitherto known only in the Latin translation; 4, a treatise on the Θεωροκος; 5, a dialogue with Nestorius; 6, a short catechetical exposition of the first principles of faith; 7, four letters; 8, fragments of a commentary on the Gospel of St. Matthew, and on the Epistle of St. Paul to the Hebrews. The ninth volume contains a *Catena Patrum* on the Gospel of St. Luke, compiled by Nicetas, a deacon of Constantinople, and afterwards Bishop of Serræ. The editor has published only the more celebrated authors, and of these has omitted all that was already known; so that we have, in this most important volume, ninety-eight pages, in a small and crowded type, of lost works of the most eminent ancient ecclesiastical writers. Besides these, there are scattered through the volumes, in works of the later centuries, many most interesting citations from writings of the fathers, now lost, which it would well repay the labour of the controversialist to examine and collect. What, for example, could be more striking than the following passage of St. Athanasius? (tom. ix. 625). It is from a sermon

of Eutychius, a patriarch of Constantinople, about the year 625, in which he adverts to the usage of adoring the Eucharistic symbols at their first oblation, before the words of consecration have been pronounced by the priest.

"Although" says he, "the great Athanasius, in his *Discourse to the Baptized*, says 'Thou wilt see the Levites carrying bread and the chalice of wine and preparing the table; and, as long as the prayers and supplications are not yet put forth, it is mere bread and a mere cup. But as soon as the sublime and wonderful prayers are completed, then the bread becomes the Body, and the cup the Blood of our Lord Jesus Christ.' And again, 'Let us come to the celebration of the Mysteries. As long as the prayers and supplications have not yet been made, this bread and this cup are plain [bread and wine]; but when the sublime prayers and the holy supplications are sent up, then the word cometh down unto the bread and the chalice, and they become His Body.'"

It is time to bring this perhaps too discursive article to a close. But our readers may remember the wonderful excitement and extravagant hopes created by the publication of the first palimpsests; and while we were anxious to do justice to the most important one which has yet been discovered, we have been led unconsciously into more general discussion of the subject. It is now a quarter of a century since the attention of the learned was called by the success of Cardinal Mai, to what then seemed a most promising investigation. As too generally happens, the most exaggerated anticipations were entertained as to the result; the great literary Millennium appeared to have arrived; Montfaucon's opinion as to the number of such manuscripts (which we believe to be much over-rated), was rapturously recalled: visions of new Greek tragedies and long-lost histories were painted, not in the dim and clouded distance, but in the palpable forms of near and certain reality: the most comprehensive schemes were suggested, the most unlimited inquiry proposed. "Who could say that we might not find a play of Sophocles under some obscure act of parliament, or a book of Euclid in some antiquated deed of title?" Nay, the propriety of an authorised commission, with power to search all suspected circles, was strongly urged in influential quarters. Alas, it has all passed fruitlessly away. The palimpsest-fever has subsided: the manuscripts still sleep undisturbed on their shelves; Sophocles and Livy are as far as ever from our reach; and we see Cardinal Mai still toiling on unassisted,—still uncheered by the companionship of the learned in his

irksome researches,—a solitary labourer in that land of promise, to which he himself had led the way. This is indeed mortifying; and the more so, that in England we cannot refuse to bear our portion of the blame. There is no country which enjoys so large a share of the learned leisure necessary for the task; certainly none where literature possesses so unlimited a command of the “appliances and means” indispensable to its prosecution; and, although we are far from sharing the exaggerated hopes to which we have alluded, yet we cannot doubt that, in our vast collections of manuscript treasures, there are numberless rich fragments (and palimpsests never can produce more), to reward the perseverance of the first zealous investigator. But, to say truth, there is upon all these matters, a degree of indifference among us, even in quarters where it is least excusable, for which it is not easy to account; nor can we suppress a feeling of humiliation, when we contrast the Vatican Collection,—the fruit of the unaided labours and resources of a single individual,—with what may, in some sense, be called a national work of our own in a similar department—the *Herculanensia Volumina*, published at the Clarendon press, by the University of Oxford.* It is as bald and meagre as it could possibly be made by an express resolution to expend upon its preparation the smallest practicable proportion of intellectual labour;—without illustration, without commentary, without translation;—without even a transcript into small Greek letters of the capitals in which the papyrus was written. It is, in fact, a mere mechanical production,—a simple fac-simile, which owns no higher origin than the graving-tool,—the handiwork of an artisan, rather than the composition of a scholar. Nor can we forbear to notice a similar instance of indifference, or perhaps we should say negligence, on the part of our editors, to avail themselves of what has been done ready to their hand. We know not whether there be any copyright difficulties in the way; we should think not; but, even were it so, we consider it highly discreditable to our national literary character, that in such a work as the *Valpy Classics*, the editors should have failed to insert, at any sacrifice, if not the fragments of the orations, at least the invaluable *De Republica* of Cicero.†

* 1824-5.

† M. Firmin Didot's *Polybius* contains Cardinal Mai's fragments, and it is intended in the other volumes of *Bibliotheca Græcorum Scriptorum*, to incorporate in their respective places, all the recovered portions of the great historians.

In conclusion, we must again remind our readers that it is impossible, without a minute examination, to form anything like a fair estimate of the value of the *Scriptorium Veterum Vaticana Collectio*. No library, especially ecclesiastical, is complete without it. And yet we trust, that, interesting and important as is the matter which they have forestalled, the present volumes are but the forerunners of a longer and more important series. Success is power. The fertility of past years is the best warranty for the future; and we doubt not, that every lover of literature will sincerely unite with us in our earnest prayer, that the illustrious and venerable editor may yet enjoy many happy years of health, and of that literary leisure which he has used so well, to labour on in the vocation to which he is especially called, till he has exhausted all that is valuable in the yet undiscovered riches of the Vatican.

-
- Art. VI.—1. *Van Diemen's Land Almanack for 1841*: Hobarton.
2. *The Royal Almanack for Van Diemen's Land, 1841*: Hobarton.
3. *Australasian Chronicle*: Volumes I.-III. Sydney: 1839-1841.
4. *The True Colonist, Van Diemen's Land Political Despatch and Agricultural and Commercial Advertiser*: Volumes I.-X. Hobarton: 1831-1841.
5. *The Acts of the Lieutenant-Governor in Council of Van Diemen's Land*: Vol. II., Part 1. Hobarton: 1840.
6. *Papers in the Case of the Bothwell Church Bill, ordered by the Council to be printed*: September, 1840. Hobarton.
7. *Petition of Messrs. John Jackson, John Elliot Addison, Hugh Addison, and William McLaren, to the Right Honourable Her Majesty's Principal Secretary of State for the Colonies, &c. &c., in reply to the misrepresentations contained in a Petition addressed to the Legislative Council, by Mr. David Lord, &c.* Hobarton: Van Diemen's Land, 1840.
8. *Statistical Returns of Van Diemen's Land*: Hobarton, 1839.
9. *1st and 2nd Reports on Transportation, of the Committee of the House of Commons*. London: 1837-1838.

IT has sometimes been our fortune to be made aware of a painful bewilderment on a subject of magnitude, from which many good Catholics are not by any means exempt.

We allude to the simple, but important question of social ethics; in other words, to the motives which should regulate the civic, economic, and international policy of man. When one endeavours to indicate to them their misconception of their position, and to teach them how to attach their duties towards the State, and their claims upon it, to the same good rule of right, whereunto they have already learned to attach every other claim and duty; then may one see how baleful, and bad, and repugnant to the traditions of better days, have been those lessons, which, in this newspaper-age, the sons have consented to derive from newspapers, instead of those which their wise sires elected to receive from holy pontiff. For, from Sir William Petre the Catholic, down to the modern and Protestant Sir Robert Peel, our statesmen, differing perhaps in every shade of variance upon details of statecraft, may yet be found most solemnly accordant in one striking and startling point,—their divorce from everything heavenly. For even so Machiavel, and all the ethicists of the routine which followed this Florentine, have taught the newspapers; and even so, the newspapers have endeavoured to teach us all, with pretty tolerable success. And hence the world-text so cunningly handled by all the popular preachers or lecturers upon our world's morality, informing us in its own lively little way, "that religion and politics are at daggers-drawn, and that in endeavouring to unite the twain, there is certainly superstition, and most probably danger too." Turn by turn, or all at once, every spring of action, *but one*, has been repeatedly sounded, and plumbed, and let loose upon the land by them of parliament and power;—and all in vain. Why the failure? Precisely because of that one spring being left unsought, unsounded; it was the main spring of them all,—the moral conscience! Had those who sway the destinies of England, and their predecessors of three past centuries, but known and believed in its hallowed and inspiring influence, we should have missed the diverting spectacle of so many new or revived expedients, toiled for and struggled after, in so many slow sessions; and, in as many and as tardy sessions, again protractedly commended, inch by inch, to gradual, but (heaven grant it!) perpetual oblivion. We have not reached the middle of this century, and we have witnessed already more than one tercentenary injustice redressed,—more than one ancient right restored; and, we begin to hope, that at last the goodly path of retrogression is to be trodden in right earnest. Be it ours, then, to ease and

help the pilgrims on that march. Be it ours to discard the stupid teaching of the "Spirit of Enlightened Ages," when we come to deal with principles and realities, and to remember, no less for their sakes than for our own, the better lessons with which heaven's bounty has deigned to provide us. We must call things by their right names, nor fear to offend or astonish the cant of the day. In dealing with the momentous subject to which this paper is devoted, we must not fear to be discontented with any sanction that is not stronger than our own material comfort, or, that of our countrymen, when punishments are to be inflicted on the culprit, or gratifications awarded to the deserving. Let us, in short, desire earnestly, that none may ever forget our country's vocabulary, wherein are to be found the right names of things and ideas:—but let us agree to set the example, and call them by their right names first ourselves.

We have been led into this train of thought, by the perusal of some reams of printed paper, compiled from many sources, painfully produced by many heads and fingers, but circulated seemingly for one philanthropic, or at least charitable purpose; that, namely, of enabling the world to convince itself that something has been said, wisely or not, in favour of a thing so generally and self-evidently indefensible, as the so-called system of secondary punishment in the penal colonies of Great Britain. Afraid to quote from purely British authorities, lest the admirers of transportation should have it in their power to reproach us with our partiality and wilful blindness, we have crossed the ocean, and brought from its further banks, the vindictive productions of pens certainly not inclined to favour the Commons' Report, or its supposed and clever author, Sir William Molesworth. And after wading through whole files of antipodean newspapers, after perusing their pamphlets, after weighing and balancing the heavier matter supplied us in the imposing State-papers, Reports on Estimates, Minutes, &c. &c., with which, at intervals, the English public has been entertained by the courtesy of the provincial governors;—and, after still nearer and clearer insight into the matter, so far as the ocular witnesses with whom we have conversed, and the unpublished correspondences now in our hands could afford us,—we have been at length enabled to discover what it is that the friends of transportation mean henceforward to oppose to the further encroachments of Parliament, and the arguments of those advocates of a thorough and radical change in the present system, whom,

though the late reforms in it have cheered to further exertions, they are very far indeed from contenting. And, we grieve to record it,—the answer which the friends of the *statu quo* are prepared to oppose to these clamorous reformers, and which they conceive an unanswerable one, and one which should content the empire for an indefinite period to come, may be thus translated into the vulgar tongue of the mother-country:—"Whether this penal system, which Great Britain invented for the repression of her indigenous crime, be calculated to achieve that purpose, or to achieve the very contrary one, of encouraging crime at home, and increasing it, is no question for us. The only question is, what are the colonists to do for labourers, if there be no crime in Britain?—or, being crime, if its professors are not annually picked out with care and sent as slaves to the shores of the southern Pacific?" And, be it observed, that although at first, there were upon our own soil, those who slighted, or disputed, the benign and friendly persuasions which men like Dr. Whately had for years before addressed to them; yet among Englishmen that spirit has now completely died away; and the unanimous concurrence of the Transportation Committee, which was presided over by Sir William Molesworth, and upon which Sir Robert Peel sat by the side of Mr. O'Connell and Lord John Russell, is only a symbol of the unanimous adhesion to the principles of that Report on the part of the public out of doors. It is not in England, therefore, that the lamentable outcry against the further prosecution of this good work is now raised, nor the sordid dissuasive of a supposed pecuniary risk resorted to. Recalling to our recollection the manly protests of American colonists in the last century, against the impiety of "deluging the new world with the vices of the old," we deeply regret,—for the honour of its inhabitants, so indignantly casting back on their supposed calumniators, the highly coloured denunciation of their moral condition,—that an argument like this, inconsistent in every respect with the high tone of their remonstrance against the Protestant Archbishop of Dublin, and his chaplain Dr. Dickinson, should, of all others, have been considered the most worthy of Van Diemen's Land. And yet, with the rare and valuable exceptions of those antipodean residents, to whom not even the natural fear of obloquy and odium in a period of great local feverishness and excitement, can induce to hide their honest concurrence with the views of their colony's best and soundest friends,—the abolitionists of transportation,—with their ex-

ception, we have failed to find any argument, any justification of this system,—condemned alike by philosophers and by Parliaments,—which does not at the last resolve itself into this ; —“If we have no criminals, how are we to make money ?” And yet, for asserting that the tone of morals in Van Diemen's Land, was debased by penal contagion, its real friends, who would first abolish that scourging evil, and thereby prepare the place for the reception of an honest European peasantry, have been publicly “spoken against,” and branded as *calumniators* !

But the delusion goes still further. By way, we presume, of satisfying the needments of a very respectable body of shallow thinkers on these matters, whom the unanswerable *what are we to do without felon bondsmen ?* might fail to convince, we find, from one or two of the works we have set at the head of this paper, that by tilling Van Diemen's Land, and tending the sheep of its wool-growers, the criminals sent out will become reformed, and humanity will rejoice in their conversion. The process of reform is in this wise. It will be the interest of a convict, *if he have a good master*, to behave well, or at least seem to behave well, and so deserve present bounty and future emancipation. It will be also the interest of the convict, *if he have a bad master*, to behave well, or seem to behave well, and so avoid present tyranny, and future aggravation of his transoceanic lot. It will be the interest of the convict, when his sentence has expired, or been shortened, or when he has received the ticket of leave to work for hire as if he were a free man, to live soberly, honestly, and chastely in this present world, whence comfort cometh and respectability. It will be the interest of the same convict, whether in bonds, or out of them, not to deserve new severities, lest he be found out, and punished accordingly. And interest, if we may believe Colonel Arthur,* is a powerful thing ; and even convicts feel its power, and confess it, and are, in fact, very decent utilitarians. But if this be Reformation, we can only say, that we only know one other instance in which the word has been more misapplied than it has been here ! It would be an insult to the understanding of a Catholic reader, were we to attempt a grave refutation of such idle trash. It is the veriest reduction to absurdity of Benthamism, and the clearest illustration that Mr. Carlyle

* “Defence of Transportation,” &c. by Colonel George Arthur ; pp. 31, 35, 37, 103, *et passim*.

could desire, of the hopeful work the utilitarian evangel is like to make among the multitude, so soon as it begins to circulate at large, by dint of cheap type and gratuitous distribution. Did it never occur to the venerable philosopher of Westminster, that *his* Utility was one thing, his shoe-black's another thing?—and, that while with him, and others who like him were better than their system, the peace of mind and hope of future bliss, consequent on the performance of an action otherwise painful and repugnant to man's nature, were of themselves a sufficient recompense and motive to new exertion, duller souls, and sordid minds, unable, or unwilling, to recognize the seat of interest, of ease, and comfort, elsewhere than here below, nor any gratification that was not of the visual and material kind, would apply his own principles in the manner in which our friends in the colonies have applied them? Are men indeed so swinish in this “enlightened age,” that not only they find life more tolerable after meals, but more virtuous too? We once met with a colonist of much estate and credit, who was a flaming advocate of the existing system of penal discipline, because of the singular beauty and advantage of one part thereof,—the assignment of convicts to private masters, who might work them for nothing but the fear of punishment. He told us, that he was singularly happy in the reformation achieved by his bond-servants over themselves; and he gave us the rough estimate as follows. He had had about a hundred convicts altogether from first to last in his employ, some of whom had become free by servitude, and others by indulgence. Of most of these he had never afterwards heard anything at all; of some he had heard *favourably*,—namely, “that they were making money by working for high wages,” labour being then, and now, very dear in Van Diemen's Land!! He reluctantly added, that five convicts in his service had left it to die upon the scaffold. But this gentleman's logic may well be forgiven, when we find the solemn state-papers, compiled by colonial secretaries, for information of colonial governors, and by the latter forwarded to Downing-street for the enlightenment of Mr. Mother-country, positively exulting* in the “remarkable” decrease of tickets of leave, and other indulgencies for the year 1835; because it showed that another decrease in the number of local punishments for the same year was attributable, not to any moral amendment of the

* “Statistical Returns of Van Diemen's Land, from 1824 to 1839,” &c. p. 7.

convicts, but to "the improved system of discipline for the prevention of crimes," which he and Sir George Arthur, his uncle and governor, had brought into operation!! And a discouraging increase in "*all* minor offences and misdemeanors," (including felonies summarily tried by magistrates), having reference alike to convicts and free people, is ascribed not wholly to the convicts, of whom it is said, that an "improvement in their conduct has been obtained," but "*probably* to the *annually increasing* number of convicts who become *free by servitude*."* That is to say, the reform and improvement whereof we make our boast, are predicated only of the bond *quoad* the house of bondage; for when they have left it, they leave their good habits behind them;—when they are free, they are free to sin again! This is Reformation with a vengeance!

But the truth is, that the advocates of reform in this department of our polity have very generally fallen into the same error as their opponents. They too, have confounded Reformation of the criminal with his present interest in acting as if he were reformed. Thus, even Archbishop Whately, in his "*Thoughts on Secondary Punishments*," (p. 36), speaks of so regulating the work done in the penitentiary he recommended to the notice of Earl Grey, as thereby, "to superadd to the habit of labour, an association not merely of the ideas of disgrace and coercion with crime, but also of freedom and independence with that of labour." Again, in his "*Remarks on Transportation*," (pp. 33-5), he complains, that the settlers to whom convicts are assigned, and to whom are "entrusted the punishment *and* the reformation of criminals," are not "required to think of anything but their own interest;" but that "the punishment *and* reformation of convicts are only incidental results" of it. So, too, Jeremy Bentham himself, perhaps in an incautious hour, suffered the sentiment to escape him, that the master's surveillance over his assigned convicts, the absence of means and inducements to be vicious, and, "the dependance on, and obvious interest in the good-will of" their employers, were "highly conducive to the reformation of the convicts," whereby "any principle of honesty" retained by them, "could scarcely fail to be invigorated and developed."† We shall not multiply instances of these expressions. We are convinced, that in

* "Statistical Returns of Van Diemen's Land, from 1824 to 1839," &c. pp. 6, 7.

† Bentham's "Rationale."

Dr. Whately's case, they are solely attributable to accident, or rather to the frequency with which the sanction of previous writers had been bestowed upon this manner of speech. It has, however, furnished an able, but disingenuous opponent of Dr. Whately, with a kind of argument* against some of his strong positions;—that argument being the cogent, novel, and triumphant one, which we remember at school, under the appellation of the *Tu quoque!* Into the consideration of which argument we have neither call nor time to enter.

It is not by the means of the Barathrum or of the lash, nor by the prospect of a rich and palmy share of this world's goods, that Reformation is to be achieved. When these have done their utmost and have succeeded best, the reformation has still to be wrought, and under far greater difficulties than ever. For the desiderate being, not the amendment of the inward life and the secret practices of the hardened offender, but merely the prevention of his more notorious excesses, which else might awaken the anger of municipal law and the ban of decorous society, it follows that the whole bent of all this virtuous law-making, is to add sin to sin, hypocrisy to covetousness—that so the negation of virtue, twice repeated, may pass current, at least, for one affirmative virtue. "*Desiderabilia super aurum*," saith the psalmist; "*Desiderabilia propter aurum*," cry the quacks of our days. Of what worth, not in the world's market, but in intrinsic value, is a conversion from a losing speculation in sin because of the failure, to a profitable one in virtue, because of the anticipated pelf? And how long is it to last? till virtue goes down in its turn, and the Bulls on 'Change put up vice again? We know not what acceptance these our narrow views are like to find out of the Catholic body, but we know that among Catholics there is no hesitation on the point. The stronghold of the Arthurites is the imagined and asserted fact of Van Diemen's Land being made a land of miraculous conversions and "reforms of individuals," by the magic of the penal laws; and they quote from the preamble of the act 19 Geo. 3, c. 74, a parliamentary commission for that mighty working.* And they argue that if transportation to its shores have failed, as has been asserted, in the unimportant particular of prevention of British crime, and have, in fact, tended to increase its volume, what then? *O felix culpa!* O lucky culprits! Have

* "Defence of Transportation," by Colonel G. Arthur; pp. 31, 37.

† Ibid. p. 47.

they not Van Diemen's Land before them, with its purifying pools, where they may wash themselves, and be clean? Sure we are, that no Catholic can fail of amusement so often as he meets with so notable a scheme of reformation, as this zealous founder and godfather of a penal settlement of his own, here presents us with! And, in fact, Sir George Arthur himself seems to have apprehended the possibility of all not being right with the said scheme; and very clumsily he thus winds up his defence (p. 122):

"After all, to attempt to *increase the apparent morality* of a nation by augmenting the terms of punishment, and so working upon the basest principles of our nature, is a *less politic*, as well as a *less generous* means, than the endeavour to improve, by every possible means, the *condition of the lower orders*, (') and to accomplish an extension of right principles, by accustoming the public to regard the permanent *advantages* of virtue, as *superior* to the destructive and only temporary *pleasures*, of vicious indulgence! The religion of the Protestant Church is," &c. &c.

All this is, doubtless, very politic, if not very fine writing, for this colonel's book is professedly addressed to a lord spiritual of parliament; but what does it all mean? And how to reconcile it with his school of reformation—his episcopal school call it? where, not the Protestant Church, but overseers of gangs, in and out of irons, are to bear the moral and corporal charge of the grey-coated and yellow-legged neophytes. The truth is that Colonel Arthur had a glimmering of the truth at the last, but only a glimmering. Had he learned to recognize in another Church than the variegated one which he calls Protestant, the depository of all science because of all truth, he would have never confounded so woefully as he has done the two hierarchies of Church and State. To the former belongs the jurisdiction of the inward life: to the Church has been committed the examination and amendment of all the maladies of souls, the secret no less than the seen: the only accuser of the offence is the offender in person; and he receives his recompense and his restoration from his lapsed state only through the sacraments. To the state has been commended the power of the sword temporal,—that terror to the evil-doer, and to the prone to do evil. But this power of infliction of pain is only designed for the establishment of external order, and the repression of the outbreaks of the inward vice. It is only strong when so employed; for any higher purpose it is either weak and insignificant, or operative of violence and wrong. In its true

sphere it should restrain by law the breakers of the law, and signalise the punishment of those whose guilt is consummated, to those intending or desiring to be guilty. But when this is done, its end is answered; and for aught beyond, the superior hierarchy, the supernatural and celestial one, the Church, must be invoked. That earthly hierarchy, the State, has neither mission nor capacity to reform the moral figure of its meanest criminal. His reformation is the province of the Church. There are countries where a better appreciation of these distinctions exists. In spite of all the proverbial jealousy of the men of the *Doctrine*, even in France the publicists avow it, and the administration, in not a few cases, practises it. We have great satisfaction in quoting a few remarks from one of a very able series of papers on the French prisons, in *l'Université Catholique*, from the pen of M. Paul Lamache.*

"Whether we adopt the Auburn or the Philadelphian system, neither the one nor the other ought to be regarded a sovereign remedy of moral disease. Means of material discipline and architectural precautions, useful in so far as they oppose an obstacle to the mutual corruption of the prisoners and to contagious communications, cannot reach the root of the mischief in the culprit's heart, in the complexities of a perverted will. The necessity of labour imposed upon the prisoner, the empire of habits of order, which discipline will tend to instil into him, the bait of rewards promised to his docility and orderly conduct, the dictates of interest well understood, may doubtless *modify him superficially, and prepare him to re-enter society with designs less unfriendly*. But, besides that there are energetic and fiery natures which reject these compromises and calculations, whilst motives of a sublimer order, and more attractive considerations would have had weight with them,—religion alone can effectually guard the condemned against the impure recollections of his past life, against the sense of his humiliation, against those shameful passions which burn ever in the bosom of societies, and make such terrible ravages in the prisons. She alone can bring down on all this slime, a vivifying ray, and transform it it into a new man." . . . "It is not merely theoretic principles," says M. Charles Lucas, 'but practical observations, which influence our opinions in this matter. Corrupted, irreligious, as the actual population of our central prisons may be, and disposed in the courts and the work-rooms to deride religious principles and exercises, yet once that the Temple is open to them, and they have crossed its threshold, and knelt down there, and the priest has mounted the

* "L'Université Catholique," tom. vi. pp. 315-16.

altar-steps, you might see the reign of silence and recollection on every side, without any necessity, so to speak, for the interference of prison discipline. Our oldest superintendent, M. Marquet Vasselot, attests that, never since he has seen the prisoners assisting during mass at the different religious ceremonies, has he known two examples of scandal and impiety.....In the sphere of penitentiary education, confession is the necessary complement of moral instruction. It is not enough to confess to one's self one's faults: one must have the courage and frankness to make the avowal to somebody else. If hypocrisy be the most perilous quicksand to be shunned, the avowal of the offence is the most important result to be obtained, in a scheme of education which aspires to regeneration and the re-edification of repentance. Confession has one other advantage, that of calling to the aid of a mind of but small development, the counsels and directions of a more enlightened intelligence. Now, in this regard again, Catholicism renders, by confession, a signal service to penitentiary education."

Accordingly we learn from the same authority, that in Lyons, Bordeaux, and elsewhere, the trial has been made with the happiest results. May France soon be unable to afford a single instance of a prison conducted on any other system! Meanwhile let us return to our colony. Having thus disembarassed ourselves of so much of our task as respects the economical objections which our Van Diemen's Land friends appear to raise to the final extinction of the transportation system, and the pretended reform, which, it is asserted, this system tends to operate upon the offenders, let us come to the only remaining point, possessing, as it does, the further merit of lying in a very small compass. The end of punishment is prevention. We do not say with some writers, that it is the exclusive end; we are far from being transported into raptures by the tropes and flowers of poetic prose which are to be found in various parts of the *Gazette des Tribunaux*, of the 21st August, and 25th May, 1836, and the 17th and 18th April, and 18th May, 1837, under the appellation of speech or speeches of M. de Lamartine. We are far from excluding the retribution due to the crime itself from the delegates of God's temporal justice, as an essential element of all punishment. At the same time, we confess that the chief constituent characteristic of punishment is the endeavour to repress future or possible crime, by an exemplary penalty signally inflicted upon the detected criminal. This premised, we think it impossible to doubt any longer that the practice of transportation is, under this head, as indefensible as under the two less important ones. The first in

reputation, and nearly the first in order of date, who had the merit of drawing public attention to the colonial punishment of British offenders, as calculated to allure to crime instead of dissuading from it, was Archbishop Whately. Mr. Gibbon Wakefield's powerful pen contributed largely to the Protestant prelate's side of this then disputed question. Mr. Heath, and other writers of more or less note, soon swelled the ranks of this fast increasing party, that called for the strictest scrutiny into, and if merited, the immediate determination of the transportation system. Since then it has pressed itself upon the successive parliaments of this realm, in every possible shape,—by petition, motion, and committees of inquiry, &c. &c. In the Upper House, Dr. Whately, whenever his cycle, after the customary revolutions, has returned; in the Lower House, Sir W. Molesworth, Mr. Ward, Mr. Charles Buller, and others, have been most unwearied in their patriotic efforts to bring about the downfall of a system, which they justly regarded as hurtful and demoralising. The consummation is fast approaching. The first blow has been struck. After two protracted sessional inquiries in two distinct parliaments, an unanimous vote of an impartially chosen committee has authorised the able and voluminous report, which its chairman, Sir William Molesworth, had drawn up by request of his colleagues. It is remarkable how closely and practicably the principal objections, urged by Dr. Whately, in his early letters to Lord Grey upon this subject, have been ratified and adopted by this committee, and established by the most recent and overpowering evidences. The opinion of the committee is already expressed. Transportation is condemned alike in principle and in practice. Their only doubt seems to have been, what to substitute for it. And, in fact, this was evidently not one of those points on which they were required to give judgment. In pronouncing so decidedly as it had done, upon the indefensibility of transportation, the committee had already concluded its meritorious labours. The question of the next experiment to be tried, is matter for another committee, and another protracted examination. There are many other conflicting systems of secondary punishment to be gathered throughout this world of ours; some differing from the rest very greatly in the respective details, but all alike repugnant to the very principles on which we have so long maintained transportation,—gregarious systems, solitary systems, silent systems, systems silent and solitary too,—and many more beside them;—surely there is

work enough here for at least one committee to discuss, though it sat the session long. In the meantime let us rejoice that so much has been gained by us, and that we have lived to see that for which Blackstone sighed in vain,—transportation condemned by a parliamentary tribunal, and the promise half expressed, of its speedy abolition under form and sanction of law. And in determining the reign of a great abuse, this is the greatest, as it is the first point to establish. “We have those amongst us,” said the orator of Athens, “who deem that they have fully confuted a speaker when they have asked him, what then must be done? To whom I answer with the utmost truth and justice,—not what we are doing now!”* An answer, indeed, that always holds the germ of all that, at a later period, may be conveniently said. It now remains only to be seen what the home administration will do to forward this good work. Their late proceedings, inconsistent and contradictory as they appear to our fellow subjects in the Antipodes, and even to ourselves, may doubtless be for the present accounted for, by their having prepared themselves for some vital change of scheme, agreeably to the decision of parliament, and the natural embarrassment which the breaking up of this overgrown absurdity is calculated for some time longer to produce. But of this they must assure themselves, that no change whatever, short of extinguishment of transportation, will meet the evil. The social system of Captain Maconochie may be good or bad: it can be tried at home quite as well as at our two penal settlements, Norfolk Island and Van Diemen's Land.† And whether it be intrinsically good or bad, the real grievance will remain untouched while the convict is transported to the scene of the experiment. Transportation in any case must cease. For a time, perhaps, many a bad substitute may be tried in its stead, and rejected. It is a consolation to know and feel, that, try what we may, we cannot try a worse system. Impunity itself were preferable to such a profanation of the public justice and humanity. And though we are perhaps out of season in these remarks of ours, which are on this side of the Atlantic, at least, esteemed as truisms that need no proof, let us here indulge ourselves in one powerful extract or two, from the pages of an able

* Demosthenes, vii. Orat. On the state of the Chersonesus.

† By a late order in council, New South Wales has ceased to be a penal settlement.

writer on the reasons why transportation has tended to the increase of crime at home.*

"The distance of the place of punishment from those for whose warning the punishment is inflicted, has an ill effect in two ways. 1. It diminishes the disgrace of a criminal's lot, both by removing him from the eyes of all whose good opinion he values, and whose censure he dreads, and by putting him in the midst of many other persons who are in the same case as himself; so that, at any rate, there is nothing singular or remarkable in his condition; his fate is shared by so many, that it seems to be rather his misfortune than his fault. There are some criminals so utterly abandoned, so lost to all sense of shame, that no punishment can reach them but the infliction of physical privation and pain. But there are others of a higher class, by whom the disgrace of being branded as a felon, would in England be actually felt, which in New South Wales, the standard of moral estimation being one degree lower, they are favourably judged, in comparison with those more guilty, as having only committed one crime.....In the second place, the distance favours suppression of the truth, and the dissemination of false reports with respect to the condition of the convicts. For although, on the principle of *omne ignotum pro magnifico*, the name of punishment may sometimes lead persons who know nothing on the subject, to believe that transportation *really* is a punishment, yet those who are personally interested in the matter, and being led by their inclination to crime, naturally seek to ascertain the good rather than the bad parts of their probable destiny, are sure to receive from the convicts an exaggerated account of its pleasures, to hear from them little of its pains, and to apply to themselves the best part of the description, and whatever is most agreeable to their own tastes. To convicts they naturally apply for information, as being the best authorities on the advantages and disadvantages of a transported convict's life. 'They best can paint them who have felt them most;' and criminals always have a pleasure and pride in seeming to cheat the law, and to outwit the officers of justice.....If transportation to the colonies is not the means of inflicting pain, then all must admit that the system ought either to be amended or abolished. If, on the other hand, New South Wales is not an agreeable retirement, or a new field of enterprise for unsuccessful rogues, if it is not the Paradise of felons, which it has been called, then our system is worse than if these notions were correct; for it is almost universally believed to be so; and it would thus seem to be contrived in order to obscure the pains, and to throw a false glare of light round the pleasures of transportation. In the arrangement of punishment, *pain inflicted and not publicly known, is pain thrown away*.....

* "Thoughts on Secondary Punishments," by Archbishop Whately. App. ii. p. 133.

It is not sufficient that a punishment should *be* painful ; it should *seem to be* so.....Still more objectionable is a system which encourages not only the concealment of truth as to the pain really ensured, but the fabrication of falsehood as to the pleasures never enjoyed. The secrets of the prison-house should be known in all their worst features, that human suffering may not be in vain..... Above all things, in penal jurisprudence, we should avoid whitening our sepulchres."

We cordially subscribe to the foregoing extracts. We have not been sparing with our scissors here, as we felt that it was impossible for us to utter our own views in clearer, stronger, and, at the same time, more concise language, than Dr. Whately's friend and fellow-labourer has here done for us and before us. We shall not add to these extracts further than by referring our readers to the Parliamentary papers on transportation, for the last twelve or fifteen years downwards, for the facts which the writer had before him when he wrote, and for other facts of a similar kind, which have been since collected and made public, to the confirmation of the views so ably above expressed. We ourselves have read many a convict's letter to his friends in Britain. One form might have easily served the letter writers, with variations of name and date. In most of them, the mark or ill-spelt scrawl at the foot of an otherwise legibly worded epistle, showed plainly that a "scholar's" services had been put in requisition. The "scholar," boasting the accomplishments of reading and of writing too, and generally the greater villain from that very circumstance, might have misused his opportunity, or he might have simply obeyed his client's instructions ; but so it was, that, in every letter we have ever perused, every inducement seemed to be presented to the starving pauper, and perhaps incipient thief, to whom it was addressed, to face the law with the writer, that like him, he too might cheat it in a land of plenty afterwards. Whether the truth were conformable to the representation, is, as the last quoted writer says, not here the question. Suffice it, that it has been generally believed to be so ; and at quarter sessions, the freshly sentenced criminal has more than once laughed to scorn the chairman's portraiture of the horrors of transportation, and produced in court his pal's last letter from the antipodes to contradict the governor's elaborate dispatch, just printed and circulated by authority of Parliament.* We

* See the Appendix of Evidence to the First Report of the Committee on Transportation.

also know, that so deeply is the truth of this felt in Van Diemen's Land, that it has been seriously proposed in several cases to suppress, at the local post-offices, such letters from convicts to British correspondents as disclosed too favourable a view of the represented condition of the writers. In one recent instance the letter written by a man assigned to the present attorney-general of that colony, was opened after his sudden death in the colonial hospital, and all the influence of his master was required to secure its being transmitted to the poor man's patron, a clergyman in England, to whom it was addressed. It stated, that "it was a blessed thing for a poor man to be sent out here, and that he had been very lucky in his own place, *having little to do.*" It added, that in a few years a poor free man might, with tolerable care, "come for to keep his carriage, *like many others in this town.* There are more carriages here, reverend sir, than I ever saw in —shire, and not kept by gentlemen either, as they used to be there, *for the shopkeepers all keep carriages here, and gentlemen don't.*" The objection to the transmission of this document to its address, was not its untruth, but its untowardness at such a censorious period as this. In fact, the Dublin meeting and Dr. Dickenson have well nigh frensied the colonists, so that not only are those amongst them who side with Dr. Whately compelled to hold their tongues, but those also who will not flatter them at the expense of the mother-country, and every other community in the known world, had better hold their tongues too. We lately read a most amusing account, in a file of Hobarton papers for December 1840,* of the enormities of a barrister, which had drawn down upon him the heavy ire of judge, jury, audience, and public press,, including the newspaper which is our authority, and which, by the way, is edited by an emancipist. It seems that this unhappy barrister, in the course of his speech for the plaintiff, in a libel case, had endeavoured to move the jury to deal justly by his unpopular client, expressing at the same time his fears of an adverse verdict and defect of justice, from the strong partisan spirit of the place, and lamenting that he could not bring himself to be very sanguine of success, so long as a Colonial and not an English jury had to try the case. This was enough and too much. The hubbub in court that day was but the prelude of the storm manufactured for him by the public journalists *in their next.* What was worse, his

* "Hobarton Advertiser," vol. ii.

already unpopular client, made now thoroughly odious by the zeal of his advocate, lost his cause with costs!!

Indeed the government on its side too, has the means of keeping Downing-street in the most Egyptian darkness as to the real working of their condemned system. How any man can read all the statements on this subject without being aroused to the natural suspicion, that the convicts are not the only correspondents at the antipodes who take advantage of their remoteness, to tell their own tales, we are at a loss to imagine. We have the evidence of ocular witnesses, boldly speaking before Parliamentary committees and elsewhere, and possessing a genuine credit, which we shall be delighted to discover in their opponents. Their evidence is printed and circulated everywhere, and, we suppose, in time reaches Van Diemen's Land. If so, why do not the compilers of the ostentatious blue-paper books, which, under various names, are periodically sent home from the colony, either admit or, at any rate, notice, the subjects of these statements? For, as far as we can discover, these dispatch writers, or return compilers, do neither the one nor the other thing. It is painful to conclude, that they too, like the felon letter-writers, have seen, in the remoteness of their scene of action, an eligible occasion of *suppressio veri*, if not of *suggestio falsi* too. But what can we else conclude? Take, for instance, that costly thief-land, Port Arthur, with its adult and juvenile population of 1400 incorrigible souls. Its founder and sponsor, Colonel Arthur,* Captain Montagu, his nephew and secretary, and the like, all testify to "the improvement of morals," and the "satisfactory results," &c. &c. but in general terms,—specifying nothing, rebutting not a charge, however specific, to the contrary,—and furnishing no evidence beyond the circumstance, sufficiently explainable without any *very* satisfactory results, without any *moral improvement* at all,—of so many convicts being annually restored to their fellow-convicts out of Port Arthur, for what is called *good behaviour*. The only information we have been able to glean, of even indirect utility, from Captain Montagu's elaborated tables and returns, is the fact, which pagan education-mongers will not do ill to notice, that out of 455 boys at the juvenile establishment at Port Arthur, called Point Puer, 265 had received the precious boon of reading-lessons long before landing in Van Diemen's Land!† Besides this isolated point,

* See his evidence in Appendix to the First Report of the Committee on Transportation.

† Statistical Returns, &c. pp. 8, 15.

there is nothing in these statistical returns of greater consequence than the following matters, faithfully selected by ourselves from the able writer's own analysis at the beginning of his blue book: "Number of convicts at this settlement; convicts sent there a second time; removed for good conduct; deaths; number of boys at Point Puer and their ages; trades taught them, and work performed there; evening school; diseases; rations; labour expended by adults; value of work; timber cut; cultivation of gardens; vegetables produced; exports from Port Arthur; value of shipwrights' work."† And this is all! Surely if there be any regular discipline in the place, any moral or physical preventives employed by its commandant, to resist the evil tendencies of so numerous a crime-guild, it is here that we should have been able to inform ourselves of their nature and success; more especially since the publications of the last fifteen years, down to the admirable pamphlets of the Very Rev. Dr. Ullathorne, and also his evidence and that of others before Parliament, might have reasonably directed Captain Montagu's attention to this subject, in preference to "the returns of turnips and cabbages" grown for the mess-pottage of these people; about which what head can possibly trouble itself, unless it be a market gardener's or a cook's? And yet, strange to say, in the middle of his analysis, this colonial-secretary suddenly intermits it to tell us of his complacency at finding himself so *minute*, and his reasons for being so. His reasons are good, but we are at a loss to discover wherein he has acted upon them, and how he understands them himself.

"I have been *thus minute*" he says, (p. 8) "in bringing the *state of crime and punishment* under review at the penal settlement at Port Arthur, as the conduct of the convicts in other parts of the colony, depends so much upon the system pursued there; &c., &c. *Of its usefulness at present there can be no doubt.*"

We wish there may be none. But while the Captain resumes his analysis of the rations and vegetables, let us beseech her Majesty's imperial government to distrust these invariably favourable reports from their underlings abroad. *The military officers commanding detachments at Port Arthur can tell a different tale*; and they have no temptation to distort it. Port Arthur is very differently represented by the colonists and by their local government. To the former it is a sink

* Statistical Returns, p. 8, Table, No. 38.

† Ibid. pp. 7, 8, 9, 14, Tables, 25 to 46.

of unspeakable and miserable infamy; to the latter it is a source of patronage, and its secret administration a convenient blind when deception is to be practised upon Downing-street. So lately as the month of February in this year, Mr. Henderson, R.N. surgeon-superintendent of the convict-ship Hindostan, which had not long arrived from England with juvenile offenders, waited on Sir John Franklin, the Lieutenant-Governor of Van Diemen's Land, and represented to him, that, having accompanied or followed these lads from their ship to Port Arthur, their first destination, he had had an opportunity of witnessing with his own eyes, the horrid practices which in that abode of debasement are of daily occurrence. He indignantly denounced them to his excellency, with such details as the emergency of the case justified him in describing, and very properly and strongly protested against the fiendish barbarity of allowing his late charges to remain an instant within the influence of this widespread contamination. What his excellency's inferior officers may do in the matter is yet to be seen; to the best of our belief it is still undecided. In the meantime, we may be assured, that their first precaution will be to keep the matter snug, or at all events to disguise it from the home government. And when the next *Statistical Returns* come to be published, we shall doubtless read there of more crops of turnip and cabbage, and another vague assertion, that "the morals of the convicts have improved"!!! (*Statist. Ret.* p. 15.)

Thus, whether we regard, on the one hand, the inability of those, for whom the example is said to be intended, to profit by that intention, and take warning from a comrade's fate,—or, on the other hand, the want of a proper and efficient control over the home-secretary's colonial delegates of his penal administration, it is clear that the remoteness of its theatre altogether neutralises and defeats the punishment, and deprives the State of that guarantee of fitness and soundness in its own servants, without which the ends of its penal justice can never be satisfied. Hence, in either regard, transportation may be, for aught we know or care, the means of lavishing much pain upon individual offenders, but it certainly never can deserve the name of punishment.

Before we quit this part of our subject, however, let us indulge ourselves in one further observation, which, as far as we are aware, has not been anticipated by any previous writer. It has been assumed by us, because universally conceded, that crime in England has not decreased but has in-

creased, during the period that has intervened since the peace of Vienna. To what is it to be attributed? To transportation! say these. To diminution of capital punishments! say those. That transportation, though not the only cause, is the main one, we are well convinced. For if the abolition of the punishment of death be in itself an encouragement to crime, it follows that it must so operate in every community, or at any rate, in every British community. Now it so happens that, act by act, these successive mitigations of a bloody code (for the most part not so old as the Protestant Reformation), have been extended by local enactments of its legislative council to our colony of Van Diemen's Land. And yet it is cheering to observe, that at the very same period, there has been a great decrease in the number of grave crimes of all descriptions, even in that community of adept criminals. We attribute this decrease, not to the mere substitution of a punishment milder than death, but to the kind of secondary punishment so substituted. Had transportation been adopted by the colonial, as it has been by the imperial legislature, we verily believe that crime would have continued to increase among the expert provincials, in at least the ratio which characterises its progress in the metropolitan community. And when England shall have the wisdom to take pattern by her colony's example, and punish her own offenders at home, within earshot, if not within sight, of the inhabitancy of their own vicinages, whereby he who runs may read the truth as it regards their actual condition, then will crime progress no longer in England, but retrograde! We do not say that the solitary cells of Hobarton, Launceston, New Norfolk, Oatlands, and the like, or their treadmills, chaingangs, &c. &c. have *reformed* the convict and free population of Van Diemen's Land, nor that similar institutions will ever *reform* our English knaves. Far from that! We have, we trust, sufficiently exposed the inane platitude of any such a proposition. But though Captain Montagu and Colonel Arthur most egregiously err in asking any higher thing of their experimental system, we concede most blithely that external crime has been repressed by such, even in Van Diemen's Land. And this is all that police laws and men are ordained to accomplish. The which, if it be similarly attempted in Great Britain, and with similar success,—and if in these latter days we have learned from a penal settlement of ours, how to get rid of penal settlements altogether, and replace transportation with a wholesome substitute,—then shall we say, that, on the

whole, we are rather indebted to our colony for a wholesome lesson, than our colony to us for our expenditure upon it of money and of morals too! And now let Captain Montagu express in good, clear, bureau language, the cheering and animating results of domestic penal discipline, as established by the experience of society in Van Diemen's Land. It should be observed, that although the references to the tables are the same, this officer's reports were made at two different periods: the first is carried down to the end of 1835, the second to the end of 1838. We begin with the former.*

"I request permission to refer your Excellency more particularly to Return No. 31, where it will be found, that the number of murders has decreased from 16 to 3, or from $1\frac{1}{3}$ in every thousand of the population in 1824, to $\frac{3}{40}$ in 1835: manslaughter from $\frac{1}{4}$ in one thousand to $\frac{1}{40}$: so likewise in crimes against property. *Burglary has decreased from 21 in 1824, to 5 in 1835, or from $1\frac{3}{4}$ in one thousand to $\frac{1}{8}$: housebreaking from $\frac{1}{4}$ to $\frac{1}{40}$: stealing in dwelling-houses from $\frac{5}{12}$ to $\frac{1}{40}$, and with putting in fear in addition, from 1 in 1000 to $\frac{9}{40}$.* Sheep-stealing has decreased from $\frac{1}{3}$ to $\frac{1}{8}$, although with great facilities, as well as greater temptation, from increased value.

"I must be permitted, moreover, to observe upon the humane policy of a system of government, which is so conspicuous as is exhibited in returns Nos. 32 and 33. The first of these shows a decrease in executions, from $1\frac{1}{3}$ in 1000 of the population, *for the last six months of 1824*, and from $3\frac{2}{3}$ in 1000, in 1826, to $\frac{3}{10}$ *per thousand for the whole of the year 1835*; whilst the return No. 33, shows generally an increase in all minor offences and misdemeanors, more particularly from the year 1827, when the police magistrates were first appointed; prior to which period offences of such descriptions were, from a variety of causes, comparatively speaking, undetected, and consequently unpunished.....From the circumstance, however, of the annual increase in the minor crimes for the last two or three years not being proportionately progressive, as compared with previous years, commencing with 1827, the attention which has, since that period, been bestowed on them, tends to the conclusion, that even those offences are upon the decrease.—

...."In 1824, the male convicts received that 'indulgence,' [ticket of leave] to the extent of $10\frac{1}{2}$ per centum; and, in 1835, $\frac{14285}{14903}$;—and the females, in 1824, from $2\frac{1}{3}$, to $6\frac{9}{11}$; and of pardons, the males received, in 1824, $3\frac{1}{6}$ per centum; and, in 1835, $\frac{13800}{14903}$; and the females, who, in 1829, (their first year), were at the rate of $\frac{2900}{900}$ per centum; in 1835, were $\frac{1400}{11}$. By this return, it will therefore appear, that the improvement in the

* Statistical Returns, pp. 6, 7; Tables 31 to 36, inclusive.

conduct of the convicts has not been obtained by any increase of indulgencies, but, on the contrary, with the exception of tickets of leave to the females, by a remarkable decrease; so that it would appear to be ascribable only to an *improved system of discipline for the prevention of crimes, but more particularly of minor offences.*"

And so, too, in his second report, this gentleman again expresses himself to the like effect upon the same question.*

"The number of executions in the colony for the three years ending December 1835, was 37; *the number for the three years ending December 1838, was only 15; or not one-half; the number for 1838 alone, being 3*; and it is highly gratifying to find, that this more merciful system, has been *attended with a decrease in crime.*"†

"I would next call your Excellency's attention to returns 33* and 33** ; the former of which gives a summary of each description of the various offences brought before the police, for the half years ending 30th of June, and 31st of December 1838; and the latter a statement of punishments inflicted. It will be seen, that of the 13 descriptions of offences stated, a marked decrease has taken place in 9, those showing an increase being 3, the numbers in the other being the same."‡

"The latter return, more especially, shows that this decrease has been amongst the major offences, as the decrease in the number of persons flogged for the half-years has been 74, and the decrease in the number of lashes 8314, or nearly one-fourth."

These results are indeed as triumphant as the reporter of them imagines them. But then they tell against the very system they are invoked to defend. For if such great results are attainable in Van Diemen's Land, why not in England? And if in England, what becomes of transportation? There is, in short, an immeasurable difference between the impression produced by a present and palpable example, and that

* Statistical Returns, pp. 14, 15; Tables 31 to 36, inclusive.

† By reference to Table 32, at the end of the Captain's Report, it appears that in these years the total amount of grave crimes was only 15: viz. burglary, 2; cutting and maiming, 3; murder, 7; stealing in dwelling-houses, 3; and that the proportion of these crimes to every thousand of population, was, in 1836, $\frac{3}{11}$; in 1837, $\frac{7}{19}$; and in 1838, $\frac{3}{16}$.

‡ On referring to this table, we find that the offences here alluded to by Captain Montagu, are as follows: the nine offences are—*felony*, absconding, absence without leave, *drunkenness*, neglect of duty, insolence, idleness, *assaults*, and *sureties of the peace* (?) The three offences, are—disobedience of orders, *misdeameans* (?) and penal offences under colonial acts. The one remaining offence is *insubordination*. Surely there is much confusion and misapprehension in the above classification.

produced by the same example when localised some thousand miles off. And when once every British and Irish county has its own model-prison, penitentiary, or by whatsoever name its penal institution may hereafter be designated, we shall more than ever feel the good sense displayed by Captain Montagu, in the incidental observation to be found in his first report; where, speaking of the beneficial terror produced among the other convicts of Van Diemen's Land, by the neighbouring and familiar severities of Port Arthur, that prison of their own community, imperfect as it undoubtedly is, and much needing to be revised and mended, he says;*

"The conduct of the convicts *in other parts of the colony*, depends so much upon the success of *the system pursued there*, that an importance is in consequence attached to it, *which ought not to be lost sight of.*"

It must, however, be borne in mind, that "the success of the system pursued *there*," can only be notorious to the free and bond inhabitants of Van Diemen's Land, who are on the spot, and "having eyes, can see" it, and "having ears can hear" thereof. Upon them it manifestly operates, for the most part at least, as all punishment should operate. But, as to the mother-country and her inhabitancies,—Port Arthur labours under the same objections as those already pointed out by us with regard to transportation in the abstract: so far as British and Irish thieves are concerned, Port Arthur might just as well have no existence at all, as so remote an one. If the quality of the treatment bestowed at Port Arthur upon its scoundrel sojourners, can only be made familiar to our own offenders, when they have been brought over the ocean to see and judge Van Diemen's Land for themselves, it is likely enough that those at home, at whose expense they have gained their title to a free passage thither, will consider it far too late for any beneficial purpose. In a word, these penitentiaries of Van Diemen's Land, be their success in repressing the local progress of crime in that colony what it may, must be wholly ineffectual to repress the like progress of crime in Europe.

Thus much we have found good to say upon these matters of preventive legislation, involving very considerably the interests of Van Diemen's Land, no less than of the mother-country. But there occurs to us another, and as

* Statistical Returns, &c. p. 8.

we think, a far higher question; one which confines itself to the dearest interests of the weaker community exclusively, and therefore one which should not escape the attention of the stronger community, whose mandates are at all times capable of being enforced, even when they have not the recommendation of being just. If transportation is to be continued to Van Diemen's Land, what will become of the future nation of our own lineage, whereof the germ was planted there by us? There were two questions to be discussed before we could reconcile ourselves to see in our convicted criminals, the pioneers of our laws and civilisation in the Australasian wilderness! The first inquiry seemed to be, whether we had the right, as we unquestionably had the power, to possess ourselves of the virgin soil of the new-found country, in a way so strikingly opposed to what we read, in the earliest historians of the Anglo-Saxon race,* was the manner of the first occupancy of English soil, by the saintly founders of its civilisation? Whether there were not a kind of sacrilege, a profanation of nature herself, in bringing down upon her the very pick and choice of all the grossest vices of an enormous age, impersonated in the thieves and harlots of our over-populous and corrupted cities; and bidding them take possession,—till,—increase and multiply upon the earth? Whether, at all events, after we had, by much encouragement, succeeded in placing among them at a later period, the antidotal influence of a strong body of at least *freemen*, whom our inviting representations and solicitations to that effect, had induced to go forth from amongst their kindred and their homes in Britain, to seek a new establishment, as resident and proprietary population of Australasia,—

* "Studens autem vir Domini [Cedd.] acceptum monasterii locum *primo precibus ac jejuniis a pristina flagitiorum sorde purgare, et sic in eo monasterii fundamenta jacere*, postulavit a rege, ut sibi *totum quadragesimæ tempus*, quod instabat, facultatem ac licentiam *ibidem orationis causâ demorandi* concederet. . . . Dicebat enim *hanc esse consuetudinem* eorum, à quibus normam disciplinæ regularis didicerat, *ut accepta nuper loca ad faciendum monasterium vel ecclesiam, prius orationibus ac jejuniis Domino consecrent*. . . . Expleto studio *jejuniorum et orationis*, fecit ibi monasterium," etc. (Venerabilis Bedæ Hist. Eccles. Gentis Anglorum (by Stevenson), lib. iii. cap. xxiii. pp. 211–12.) This was in the dark ages of Popery. Since the Reformation, England has followed a very different course in extending the blessings of her civilisation. Our savage forefathers received from their civilisers the bright example, and the hallowing practices, of pure worship and law. Moderns, on the contrary, have taught their wild proselytes to imitate them in their vices. And lastly, monkish pioneers are now replaced by convicts! Well might Lord Bacon, in the seventeenth century exclaim: "It is a shameful and unblessed thing, to take the scum of people, and wicked condemned men, to be the people with whom you plant."

whether it were a seemingly and conscientious thing, at once to neutralise the antidote, and infect it in its turn, by pouring in additional supplies of the very poison against which we had invoked its aid? And, whether there were truth in the excuses which were sometimes offered?—whether there can be any truth in any excuses that by possibility ever can be offered for such folly? In short, it being, for the sake of the argument, granted by us, that the criminals of the British Isles should not be permitted to inhabit them with ourselves, nor breathe the air which we breathe, lest haply we ourselves might thereby become like unto them, and so the contamination overspread the whole land of our fathers; it was yet to be considered, whether, even in that hypothesis, we were authorised to rid ourselves of the contagion here, by banishing it among our brethren whom we ourselves had invited and encouraged to sit down in our most southern dominions; and, who had carried with them to those new abodes the same indelible character, the same inalienable rights of Briton and citizen, as they and we were born unto upon the soil of our common father-land? And when these questions had received their satisfactory solution, it was then to be inquired in the second place,—whether the proposed end were attainable by such means? Whether this deportation into exile and slavery of one part of our population, at the expense of the morality and peace of another part, were the likeliest way to uphold the peace and morality of the residue? But as our readers will have perceived, we felt our cause “armed so strong in honesty,” that we could afford to begin with the second question, that being the favorite one of the advocates of the system we impugn. Of which, having shown that the solution is conclusive against them, and for us, we presume that the simple announcement we have already made of the principles involved in this deferred discussion of the preliminary one, will be more than enough to silence the most contentious. And therefore, we shall here content ourselves with a few closing hints, which we have gathered from the authorities already cited at the head of this article, as well as from other ones as yet unpublished, and which we hope may afford our readers the same insight they have afforded ourselves into the existing condition of Van Diemen's Land, and the bad influence on the community at large, and on the individual members thereof, which the anomalies of their social position, and the peculiar character of one half of their whole population, have enabled

their police-like government to exercise and consolidate. A few scattered details of this kind are well worthy to be preferred to the most elaborate argument of the *à priori* kind, even were our readers as prejudiced in favour of transportation, as, we doubt not, they are anxious for its final extinguishment.

Out of 45,846 souls, the grand total of the census of 1838, and which included children, no less than 18,133 were convicts of both sexes.* It is natural to conceive that, in a community thus constituted, the bond must engage far more of the maternal (or novercile) solicitude of its government, than the comparatively harmless and less important free. Accordingly we find, that of the reams of paper expended in dispatches, on either side of the ocean, touching the affairs of this island, a very scanty corner has at any period been allotted to the discussion of their interests. The bond have been everything; the people only something, when an opportunity has occurred of using them as "materials† for the punishment" of the bond. It was vain to remonstrate; the power of disregarding their remonstrances existed on the side of government: and, on the side of the free, there were far too many to be found, who preferred the system which peopled their locations with slaves, to the change which might substitute one less lucrative in its stead. Nor was the evil so severely felt at first. If the tenure of property was precarious, yet property itself was not then of so real and sterling a value as it has grown to be at this day. Profit and not capital was all that the first settlers were able to ensure,—and the unsettled state of the country, consequent upon the anomalous distribution of its population, was perhaps not unsuited to the straggling irregular occupations which brought them in their income. But this has long since ceased to be true of the proprietary or free portion of the community. A great and affluent body has gradually formed itself amongst them, having claims upon the government for consideration and patronage, and neither esteeming itself, nor deserving to be esteemed by others, as valuable only in so far as it can assist the crown's officers to chastise the outcast and keep the felon in order. In 1838 the exports of Van Diemen's Land had increased to the astonishing amount of

* Statistical Returns, p. 13; Tables, 17, 18.

† An expression actually used, and to be found in the correspondence of Colonel Arthur with the Secretary of State for the Colonies. See the Appendix to the First Report on Transportation.

£581,475, and its imports to £702,956.* Up to the end of the same year, 1,487,996 acres of crown land had been granted to different proprietors; 241,376 acres more had been sold by the crown in 403 different lots, besides 922A. 3R. 2P. of town allotments, realising the sum of £147,370 4s. 7d.† In the same year‡ there were entered inwards at the port of Hobarton alone, 370 vessels, with a tonnage of 64,454; and there cleared outwards 369 vessels, with a tonnage of 63,392. Everything, in short, exhibits to the view an immense progress of the material order in every department of speculation. The English appearance of the place, with its neat provincial-town-like buildings, and the numberless shops, warerooms, and manufactories, which greet the newly-landed stranger, may well complete the striking picture, by which we have endeavoured to establish the importance of this rising community. And well were it for that community if others were as deeply impressed with its importance, and as anxious to promote it, as we ourselves are conscious of being! What must the reader think, on the other hand, when he is told that, on every occasion when free institutions have been prayed for in Downing-street, by the united voice of so thriving a community, or when any other act of the veriest justice has been craved by its inhabitants, the *first* thought has been,—not to content the applicants, nor even to discuss the merits of their suit,—but to consider whether or not it can be entertained without detriment to the due working of the penal system, not of Van Diemen's Land, but of the mother-country! Yet such is the fact. And the concession of an elective House of Assembly to New South Wales, contemporaneously with the order in council which forbade the further exportation thither of our convicts, was announced by Lord John Russell in the Lower House, as not to be extended to Van Diemen's Land, because convicts were still to be sent thither, and because it was impossible to grant free institutions to a community in which there were convicts!! And, as if it were not enough that this colony should thus continue to be the sink and sewer of England's criminal offscourings, it was announced by Sir John Franklin, at the opening of the session of his legislative council in August 1840,* that he had been positively instructed by

* Statistical Returns, p. 12, Table 5.

† Ibid. p. 13, Tables 8, 9.

‡ Ibid. p. 12, Table 4.

§ Minute of his excellency Sir John Franklin, read in the Legislative Council, 1840.

Lord John Russell to ask the council to vote out of the colonial revenues, the annual expense of the police employed in Van Diemen's Land to watch the transported felons of Great Britain! And accordingly we find, in the estimates of that session,* the sum of £25,146 18s. 9d. voted for the "police department," besides £2,033 5s. 5d. for the "mounted police," making together the enormous sum of £27,180 4s. 2d. for one year's police expenditure, on a colony where the free population, *including women and children*, does not exceed 26,055 souls! Neither is this all! The sales of land, as we have seen, had produced in 1838 upwards of £147,370. This sum, instead of being set apart, as the colonists had every moral right to demand, for the purpose of supplying the colony with immigrant labour, and thereby of increasing the value of that very soil which had been sold to raise it, has been carried over to the main stock of treasury-moneys, and thence disbursed in the miscellaneous expenditure of the colony. So that the dearth of free labour, now so deeply felt in Van Diemen's Land, as to have furnished the Whig ministry with something like a plausible pretext for the continuance of transportation a little longer, is owing in great part to the circumstance of the immigration fund being applied by the local government in payment of police and other charges incidental to the convict system, in preference to its only proper and legitimate method of application, and which, it is now said, would, if adopted in time, have made the settler entirely independent of the labour of the convicts! Surely this of itself is a heavy price to pay for transportation!!

But would it were the only one! It was wisely written by an old Attic heathen, that "the strength of a state is not surely to be judged of by its vendibles." If it were, the rapid summary we have sketched of the present state and value of Tasmanian trade and commerce, might more than outbalance these losses and deficiencies lastly set forth above. But there is something higher and deeper far than "vendibles." Reader! those vineyards are most rich and fruitful, and the price demanded is, as thou sayest, "an old song;" but dost thou rightly consider their situation, that they clothe the sides of Vesuvius? France, again, had her "vendibles," more abundant far than Van Diemen's Land can boast, and criminal and other laws to secure the fruition thereof to every owner.

* The Acts of the Lieutenant-Governor and Council of Van Diemen's Land; 4 Vic. No. 13.

But France had a demoralized population too, "savage itself, but with all the means and implements of civilization," as the historian of its revolution has described it; a far worse substratum for the *statu quo* than Vesuvius, or any other merely physical volcano! What became of the "vendibles" there,—and the criminal and custom laws invented for their use?—and what might be the market-value of either the one or the other, thinkest thou, in those days? For, be assured of this, neither vendor nor vendee took these matters into their consideration until their "vendibles" had circulated in quite an unexpected and irregular fashion. And if any man had uttered in the ears of France, before those days had actually come upon her, the warning which we are much tempted to address to the falsely secure proprietor of sheep and slaves in Van Diemen's Land, how extravagant and unbusiness-like would the calculation have seemed!

Van Diemen's Land, we have said, is essentially a penal settlement of convicts, and the free are but so many amateur turnkeys. Such is the estimation in which the government regards it. And if it be so, and if such it be intended it shall remain, we must say that we concur with Lord John Russell, in thinking free institutions for such a community quite out of the question. The very consideration of such a boon, or indeed of any other concession of the rights of free men, should be at once adjourned to the Greek kalends. If the free inhabitants of Van Diemen's Land and the home government concur in the design of making their colony the receptacle and sink of crime to their parent-state, there is nothing more to be said. Not only will it be the duty of the home government in that case to refuse to be guilty of so great an inconsistency, as any extension to that colony of rights fit only for a free country and free men; but it may even be doubted whether penalty can ever have fair play there, without reducing still farther those scanty remains of traditional rights yet subsisting among them. The discipline of a penal settlement or penitentiary, requires that, free or bond, all its inmates should be alike subject to the personal and domiciliary inspection and control of the officer to whom the supreme administration is confided; that his authority over his own inferior officers should be equally absolute, and that in short, his responsibility to Downing-street apart, no check whatever upon his actions should be suffered to exist. Immunity of the person, sacredness of property, castle-like inviolability of dwelling, are phrases

which should never be heard within a well-disciplined and well-conducted institution of this kind, far less should the rights they represent be acknowledged or even tolerated there.

But if the colonists of Van Diemen's Land do not desire this flagrant degradation of their soil, neither have we the inclination, nor have Secretaries of State the right, to govern them henceforth as they have hitherto been governed, far less to inflict yet worse things upon them! To use their island for the purpose of a prison, and themselves for its turnkeys and guard, is in us the worst of usurpation, if it be done by us against their free consent; as in them it were the worst of self-degradations, if that consent had been expressly or implicitly given. But if it be their wish to enjoy in that British possession the blessings of the British constitution, there is but one course for them to take. Let them eschew the penal system, and the fictitious lucre of slavery. Let them refrain from those ignoble lamentations over the temporary cessation (would that it were final) of the atrocious assignment system, soon, we fear, to reappear amongst them under another name and subterfuge! Let them in a word, by their manly refusal to undertake the drudgery of the slave-driver, convince the home ministry that they themselves are as ready to enter into the full enjoyment of all the rational freedom of their race, as any other colonists of this empire. But let them rest assured that until these preliminaries are clearly established, there is but one alternative. They will have to endure their present misfortunes for a long while yet to come, with no better comfort than they have hitherto found in its *quid pro quo*, bond labour.*

There is one subject peculiarly offensive to the people of a penal colony—their morality. We shall not enter upon it here,—it is not that we have been scared by their indignant censures of Dr. Dickenson, and the “Calumniators,” conveyed to the ears of the colonists themselves by free and emancipist mouths,† and to our eyes here in England by the

* Some there are, however, who, while convicts are to be manufactured, will not be wholly disconsolate. The respectable owner of convicts already once referred to, told a friend of ours, and a near neighbour of his: “I wanted to talk with you about the difficulty of getting labourers, since assignment has ceased. Would it not be as well that we should look about us, and use our influence, as magistrates, to get the bad characters hereabouts laid by the heels, and punished under the local acts, by making convicts of them? Then we could get them assigned to us; as I don’t think that this abominable regulation against assignment applies to these kinds of convicts.”

† Two of the principal speakers at the great meeting at Hobarton, of the

free and emancipist-edited newspapers of the place. But the truth is, that we have no statistics before us which can enable us to approximate to an estimate of the excess of Tasmanian over metropolitan vice. That there is an excess, we cannot possibly doubt; least of all can we believe the more furious colonists, who assert that the balance of morality is *in favour* of their colony! Putting the convicts out of the question, we would ask, is it likely,—1. That the large body of Emancipists among the 20,000 and odd, who are free, contribute much to the aggregate morality? 2. That the masters have not been, in many cases, spoiled by their own despotism? 3. That those who, during a period of forty years, have been bred from childhood, in the presence of crime and convicts, and made precociously familiar with all the etceteras of their respective memoirs, have in all, or even a large proportion of cases, escaped the jeopardy and contagion? 4. That, above all, the unhappy progeny of convicts, or of the mixed marriages of convicts and free, have so learned to read and lay well to heart the maxims of even Pagan ethics, as to take example from the punishment only, and not rather from the crimes of those who gave being to themselves,—

——— “nequiores, mox daturos
Progeniem vitiosiore.”

And not to pursue these divisions and classifications of colonists any further, is it credible that their community, belying all former experience, should suffer no moral detriment from the every-day familiarity with scenes and modes of life, any one of which would singly suffice, in Europe, to wound at least for a while the freshness of the feeling of virtue? Why, their press, which teems with these monstrous efforts on our credulity, teems also with the flagrant proofs of the impudence of the invention!

The press of Van Diemen's Land has, perhaps, no parallel in the known world. Well supported in the colony, we fear that the execrations with which it cannot fail to be regarded every where else, tells more against Van Diemen's Land than any European declamation on its vices. With one solitary exception,* the newspapers published in the capital would be

29th April, 1840, were emancipists; one of them being the notorious Lathrop Murray. (“True Colonist,” 15th May, 1840.)

* The “True Colonist,” edited by Mr. Gilbert Robertson, a man of evident talent and integrity. His writings establish the former, his sufferings and consistency the latter. The sooner the other five Hobarton newspapers are ejected from the Colonial Society's reading rooms the better.

accounted a flagrant disgrace to their locality in any other part of the world. The acrid and degrading accusations, the intrusions into domestic life, which fill their melancholy columns, and which, to judge by their self-estimated circulation, must be much sought after by their subscribers, are a strange comment upon transportation. And stranger still, political partisanship has no concern in the matter. The only political paper, as far as we have discovered, is the *True Colonist*,—the only exception, as we have already remarked, to the heavy, general condemnation we have been obliged to pronounce upon the Hobartton press. All the others are as devoid of political intelligence and spirit, as of decency. Persons and private families are their only objects of attack, and politics are made entirely subservient to these gross purposes of the hour, and change, as their victims happen to be of one political complexion or another. Nor are these the only signs of the time and place. Two out of the five newspapers we denounce, are edited by emancipated convicts. One of these, the *Hobartton Advertiser*, is the court journal of the day, the confidential champion, it is more than whispered, of Government House. Two others are edited by free men, one of whom is a law attorney, in the secret service of the government,—but are the property of another convict, and are also the organs of the emancipated population. The *Courier*, the remaining newspaper of five, and the *True Colonist*, are the only two Hobartton journals entirely unconnected with convicts or emancipists. But in every other respect, there is no noticeable difference between the *Courier* and the majority of the newspapers of this Hobartton press. In one other respect, indeed, the *Courier* has a great advantage over its cotemporaries. Its editor, a needy young Irish conservative, has a brother who is the attorney-general, and eke, sole grand jury of the island! This print, therefore, is by turns at the service of the government and of the opposition, according to the course of intrigue, and whenever the family-interests are capable of being in any respects advanced thereby! Indeed, the existing government, if the recriminations of the warring newspapers may be believed, is not at all slow to profit by the vices of the press, having always a ready access to them, through their one characteristic vice—venality. This last fact is even a greater outrage upon decency than the press itself.

It will be seen that we have confined our remark to the Hobartton newspapers. There are three other journals pub-

lished at Launceston, in the north of the island. Of these the *Cornwall Chronicle*, perhaps a more disgraceful and more widely circulated paper than either of its contemporaries of Hobarton, is the only one with which we are acquainted. We believe, however, that the other two are an improvement upon the *Cornwall Chronicle*, at all events, in all but circulation. This paper, also, is reported to be a good deal under the management of the same low Hobarton attorney and government spy, to whose connection with one of the emancipated journals of the capital, we have already adverted. It is singular enough that both of the semi-official journals commend to the skies their immediate official patron, and assail with the coarsest and filthiest abuse, the private characters of his excellency the Lieutenant-governor and Lady Franklin!

If we turn to the local administration of affairs, we are still more astounded. It is said that Colonel Arthur has the honour of being its author. It is certain that it has undergone no change since his departure; no change beyond the absence of its master, and the consequent rise in influence and power, of the underlings and kinsmen whom he left in place, and bequeathed to his quiescent and peaceful successor, Sir John Franklin. If then, there were evils felt in the days of Colonel Arthur's active superintendence, and traceable to the policy of that administration, they are not likely to have been lessened either in quality or amount, in these days wherein superintendence of any kind no longer exists. The Arthur policy is in greater vigour than ever: the clever ruler, who restrained it within certain limits of injustice, has been recalled.

As far as we have been able to gather from the papers which support Colonel Arthur's two nephews, Captains Montagu and Forster—the one colonial-secretary, the other chief police magistrate (and now or lately acting as colonial secretary too, in the absence of the former in England)—it is evident that these administrations of our far-distant province entertain nearly the same views of what a penitentiary, on a large scale or a small ought to be, as we have already expressed. Nothing can be more admirable than their system of government! It is founded on the simple premiss that Van Diemen's Land is an English penitentiary or gaol. Their principles of policy are borrowed from the police. Equality of free and bond is the prime one; equality without liberty. All are subject to the same surveillance alike. All alike are made the instruments of government. Its spies are taken indiscriminately from, and scattered at random,

among bond alike and free—*gentlemen*, (colonially so), whether fit or unfit for crown appointments, are readily made the objects of favour in this way, if inclined, on their side, to spy out and report the evil doings of others, over whom the government has any hold or power of annoyance. Convicts, if sharp and faithful, are in like manner employed as spies upon one another, and also on those above them, or in their vicinity. Free men and convicts form that powerful and costly body of police, to which we referred a few pages back, but not in their due proportions. The convict policemen are four-fifths of the whole number; and many of these are drafted in from some place of punishment, as a reward for services there rendered in the shape of *espionage*. Convicts and free are equally competent as witnesses in the courts, as well on the crown side as *Nisi Prius*; and this it seems, whether the convict has received a local sentence or not! At least, one late case has been mentioned to us,—that of a contested claim to land at Pittwater, in October 1840, where suspicion of forgery and fraud having been attempted by the defeated party to be thrown upon a conveyance, the only attesting witness to which was a convict, who was also at the time of this investigation undergoing, at Port Arthur, a second sentence inflicted on him in the colony,—the party entitled under the deed was not permitted to go into secondary evidence in proof of the handwriting, and the fairness of the impeached transaction; but another day in court was given, and the parties were directed to employ the interval in taking the evidence of this credible and reputable witness under interrogatories, to be sent down to Port Arthur for the purpose! We may here recall what was once openly said in the supreme court by that able officer, Mr. Justice Stephen, then attorney-general of Van Diemen's Land, that "if he were ever base enough to promote the conviction of an innocent man, he would undertake at any time to find any number of witnesses at a dollar a head!" In short, the embarrassing dilemma growing out of the anomalous mixture of the bond and the free, is easily and briefly evaded in Van Diemen's Land, by recognizing this primary equality before its prison-regulations and laws, of all the inmates of the place; and by allowing no local distinctions afterwards to infringe that level line, beyond such as are unavoidable in the working of every gaol or penitentiary; a *governor*, namely, and assistant! Somehow or other nevertheless this system does not work well for the interests of justice.

A magistrate at Richmond, whose interesting work on Van Diemen's Land tells largely in favour of his capacity and zeal for colonial interests, had dismissed a disobedient or insubordinate constable under his authority. Unfortunately, it was not to obey *him*, nor be subordinate *as a constable*, that this man had received his appointment; and the justice soon found out his mistake. The man was a spy! His employers were appealed to, and he was reinstated in his office, with an admonition to his worship, to be more careful another time!

Sometimes, too, the spy or equality system, works no better for the interests of the government itself. A crown-ferry was proposed to be established across the Derwent, at a place called Bridgewater, and tenders were made for the lease of it. A Mr. Murdoch, the successful competitor, entered, without a formal lease being prepared, into pendency of the tolls; but, with all his endeavours, he failed to make them as profitable as he had hoped, owing to a breach of contract on the part of the government. A treaty ensued; a draft lease was prepared by the crown solicitor; but the lessee refused to execute it, as it did not contain all the terms of the particulars of tender. The government had now the option, either to vacate the contract altogether, or to frame the lease according to its own stipulations, and compel the lessee specifically to perform his. True to its character, before it would make the election, it required to assure itself which course of the twain would be the most lucrative. Accordingly, very soon afterwards, a man from the chain-gang, *wearing irons*, made his appearance at Bridgewater ferry, stationed there by orders of government, under some now-forgotten pretext. It was observed by Mr. Murdoch, that the man was very curious in his inquiries, as to how many carts, oxen, &c. &c., were crossed every day at his ferry. Suspecting his object, he directed his ferry-men to falsify the number by treble its daily amount. The plan succeeded. Delighted beyond measure at so rich a booty being now within grasp, the government determined its election, by vacating the contract, and taking the ferry into its own hands. Mr. Murdoch was thus rid of a troublesome bargain. The government has since discovered its mistake, and the fallibility of the spy-system. The net revenue of the ferry is far less than the rent formerly paid for it by Mr. Murdoch!

But this is a rare instance. Defective in the extreme, as

regards the public good, *espionage* is a wonderful means of promoting the governmental interests. Of the local prerogatives, there is no branch more jealously maintained by the colonial secretary. The solicitor-general, Mr. Jones, brought a clerk with him from England, who died at Hobarton. Up to his death he received his salary from the colonial treasury, agreeably to an understanding between Mr. Jones and the government, on his receiving his appointment. The solicitor-general appointed another clerk to the vacant clerkship, and notified it to the colonial secretary. That officer refused to sanction it, and in the face of every precedent to the contrary which British practice affords, claimed the right of nomination. It was in vain for Mr. Jones to represent to the colonial secretary, that none but the barrister could possibly determine the capacity of the barrister's clerk; and that the trustiness of the nominee, being a matter in which his private clients as well as himself had no trivial concern, was rather a matter for his own satisfaction, than for that of the government. The secretary refused to recede from his demands. The matter is understood to be at this moment before Downing-street. Meanwhile, Mr. Jones, naturally disinclined to intrust into such hands, so formidable a right of access to the secrets of his professional and domestic privacy, has been compelled to pay £130 a-year for the privilege; thereby reducing his own official salary to £470 per annum; the local government having stopped his clerk's pay until Lord John Russell's answer is received! In the mean time, and before that answer can be possibly obtained, Mr. Jones is suspended upon a new ground raised by the local government:—this appointment, we ought to observe, was conferred in England, by the royal sign manual. Had the solicitor-generalship been given to one of the more docile "bar" of Van Diemen's Land, the colonial secretary would have found no difficulty in acting precisely as he pleased.

We have spoken of the newspapers. They are evidently an admirable armoury, full of all kinds of tools of statecraft! If an officer is tempted to run restive, and is too punctilious in the discharge of his duty, to afford a plain reason for dismissal, it has been observed to us by those who know the colony, that the law attorney or some other unofficial personage of the press, is employed to write in the newspapers, asking, in the name of the public, why such a wretch is suffered to exist as a public officer? This probably will be followed up by a regular succession of attacks in subsequent

numbers, until the requisite amount of unpopularity in the journal-ridden colony is insured. Then comes the dismissal. And, last of all, as a finishing blow to the wretch, should he dare talk of an appeal to Downing-street, there comes *Io Pæan in our next*; and the grateful acknowledgment of a supposed public is confidently appealed to, ever after, by the wreakers of the mischief. This has been tried with much success in a variety of cases. The late suspension of Mr. solicitor-general Jones, is one of the very strongest instances we know of its temporary success. This gentleman has furnished the different newspapers in the interest of the attorney-general, as well as of others as high in local office, and as hostile, with matter for an almost weekly succession of savage attacks, during the period of *more than eighteen months*, down to and inclusive of the day of his suspension! We gather from the *True Colonist*, the only paper not arrayed against him, that these attacks were invariably coincident, *both in date and matter*, with the various "correspondences" passing between himself, and his official superiors here and in Van Diemen's Land.* In one case, it seems that a brutal attack of this kind in the *Courier*,† was accompanied with an *extract* from a dispatch, written by him, to Lord John Russell; and which, as it contained an appeal from some decision of the local government, the writer was, by official custom, obliged to forward *open*, through Sir John Franklin!! What was worse, when the solicitor-general drew his Excellency's attention to the article in the paper in question, and asked for an inquiry into this palpable breach of official confidence, his application was answered by the colonial secretary, and rejected; together *with a reprimand for his having appealed to the lieutenant-governor, as though against himself!!* It may be as well to mention, that the offence of this gentleman, which has been assigned for the suspension from office at last accomplished upon him, is his refusal to agree to an abrupt proposal of his hostile colleagues, the attorney-general and crown solicitor (of whom the latter, *within ten days afterwards*, absconded to Sincapore, with £2000 of public money), for the substitution of himself in the place of the former officer as criminal pleader, and of the latter, as crown prosecutor at quarter sessions; which last post, by the way, he could not, as queen's counsel, with any regard to

* "True Colonist," vols. viii. ix. x. *passim*.

† "Hobartton Courier," 23d Oct. 1840.

professional decorum, ever consent to fill.* But we believe that this, and the other more recent arbitrary doings of Sir John Franklin's officers, will soon receive the attention of Parliament.

Another of these instances, at the risk of fatiguing the reader, must not be forgotten. Mr. Gregory, an old public servant, in 1834, received the appointment of colonial treasurer in Van Diemen's Land. Unfortunately for him, a seat in both councils is inseparately annexed to that office. In Canada, the legislative councillors, though appointed by the crown, hold their seats for life. In Van Diemen's Land, the legislative councillors are appointed by the crown, and hold their seats during the lieutenant-governor's good pleasure, or his secretary's. But those legislative councillors, who hold official place besides, are in a far worse position as respects this tenure, than their unofficial colleagues. The latter are appointed *per capita*, to their seats at the council table; and sit as the Hon. Mr. A., the Hon. Mr. B., &c. &c. The former sit as public officers, and not as individuals; their seats in council are inseparable from their offices. Hence, whenever they have succeeded in making themselves so obnoxious to the governor or colonial secretary, that their removal from the council becomes inevitable, their deprivation of place and salary follows as of course. So it was with Mr. Gregory. A man of courteous manners, and well-tryed zeal in office, an admirable accountant, and one whose independence of circumstances was only exceeded by his independence of mind;—there was perhaps scarcely a man in the colony who so generally commanded confidence and esteem,—as there certainly was no one whose qualifications for his office were more universally conceded. The Issue Bill, a measure of more or less consequence we suppose to the local government, came on in council, during the session of 1839. Mr. Gregory voted against the other official advisers of the crown's representative on that occasion. His enormous conduct, in regarding too literally the terms of the oath he had sworn, "faithfully to advise his Excellency," was bitterly represented by Sir John Franklin's government, to Lord John Russell, and his disgrace demanded. Lord

* The "True Colonist," vol. x. Nos. 1, 2. As No. 1 of this journal, also gives an account of the late dismissal, in the same week, of the commissioner of the Court of Insolvency; founded on that gentleman's refusal to recognise, much less to obey, the directions of the colonial secretary, as to his judicial and ministerial conduct! This is centralisation with a vengeance!

John Russell refused to interfere, and left it to Sir John Franklin, to undertake at his own responsibility, whatever measure he might deem necessary under the circumstances. This ambiguous document was rashly interpreted in a favourable sense; and Sir John Franklin, in August 1840, removed Mr. Gregory from the colonial treasury and the legislative council;—and at the same time, with much seeming inconsistency, rendered to his merits, as well in the *Gazette*, as in the official announcement of his dismissal from office, the strongest possible testimonial of his valuable services for so many years in that office!*

Another gross instrument of these misrepresentations of British dominion, is of a peculiarly unconstitutional order. There is perhaps no officer more deservedly exclaimed against than the present attorney-general, brother, as we have observed, of the editor of the *Courier*. This individual owes much to the influence, now of all others transcendent, of the Derwent Bank, whose manager happens to have a seat in council with him, and the honour of being his father-in-law. This bank was founded in Colonel Arthur's time, and by members of his government, chiefly for party purposes, and the Colonel and all his colonial relatives have large shares in it. It is a most powerful engine, and has been even more so. Till of late years, no crown officer dared to be the customer of any other bank. Every one who received an official announcement of some appointment to place, received about the same time with it a semi-official, quite as intelligible, requiring him to become a customer of the Derwent Bank, if not already one. There was no one found to withstand this tyranny in Col. Arthur's time, nor under Sir John Franklin, until a police magistrate, Captain Gardiner, of Avoca, as it is said, applied formally to his Excellency, and won from him the inadvertent disclaimer of so base an interference. Five other officers, on hearing of it, at once proceeded to use their new-found liberty, and withdrew their accounts to other banks! Shorn of so much of its supremacy, still is the Derwent bank understood throughout the colony to be one of the best police engines now extant. It crushes whom its allies will, so soon as the stream of vicissitude has whirled the victim amidst its wheels. It justifies the opponents of state banks in the American Republic. In return, a goodly slice of patronage and preferment is allotted to this useful instrument.

* "True Colonist," August 1840.

Its debtors, particularly the less endowed sort, are all pronged into place,* and their salaries shovelled into the cashier's strong box; and, the son-in-law of its managing director shall continue to be attorney-general yet a little longer!

There did till lately exist one incumbrance or drag upon the smooth wheels of power, which has been most wisely removed by the recent act of council, 4 Vic. No. 33. We allude to the practice of trying criminals by a jury of seven military officers, instead of the jury of twelve civilians, as in *nisi prius* cases. It was felt by the oppressed colonists that a military jury afforded them a guarantee of life, liberty, and reputation, which, in the absence of free institutions, and in the presence of an influencing government and its banking system, none of them would be able to promise to themselves from twelve men, its debtors or its spies, in either case its creatures. And well did these gallant jurors justify the popular confidence. The government did not feel easy, so long as they were permitted to exhibit in their own persons that solitary example of a British institution, worked out with British spirit and principle. Gold could not corrupt them, and *espionage* had no play, where the masters of the spies had no control. And when last winter, the measure of their transgressions of the colonial principles of good government was filled, by their verdict against the crown in an indictment of a farmer, for beating off his land a director-general of roads whom he caught trespassing there, the colonial secretary and attorney-general resolved to make a short and clean work with these military juries. Accordingly the act above alluded to was passed on Guy Faux Day, 1840, abolishing for ever the insubordinate juries of seven, and substituting their civil juries of twelve,—which had more than once approved themselves so *civil* and indeed accommodating, in libel and other cases, where the “Queen’s representative” was in any degree supposed to be interested; insomuch, that now no man thinks of measuring character in Van Diemen’s Land by its degree of estimation with a jury of the place. Indeed, this amenability of the new tribunals to reason has been amply established already in the case of the *Queen v. Addison and others*, an *ex officio* information of the attorney-general for a libel on a legislative councillor, the first instance of the kind known in the island. But then this councillor was his father-in-law, Captain Swanston!

* “True Colonist,” vol. x. No. 1.

The supposed libel was contained in the petition of the defendants to Downing-street. The facts are shortly as follow. A question of a title to certain land had been pending between a Mr. Lord and the petitioners. It being asserted by the latter that the grant-deed from the crown to the former had improvidently issued, in violation of their own previous title to it, they were advised to memorialize the Lieutenant-Governor for leave to use the sovereign's writ of *scire facias* to try their right to a repeal of the grant. The memorial was presented and supported by affidavits. The attorney-general, however, who was also retained by Mr. Lord as his private council in the matter, in the face of law, or perhaps in ignorance of it, and of British practice in such cases, refused his certificate in favour of the issue of the writ, on the ground that it was a prerogative writ, and *therefore* one that might be in any case granted or refused at the discretion of the crown!!* The law officers of England, to whom the matter was thereupon referred, have since upset this notable position. In the mean time Mr. Lord, pursuing his advantage, commenced an action of ejectment against the petitioners. The attorney-general conducted his case. On the 14th December, 1839 however, the defendants in this action obtained a verdict by reason of their possession for twenty years, under the 21 Jac. I. c. 14. A motion for a new trial was afterwards made by the attorney-general, again as counsel for Lord, but owing to a difference of opinion between the judges as to the applicability of the statute to the colony, it proved unsuccessful. At the next session of the legislative council, a bill was brought in by the attorney-general for the repeal of that statute! Hundreds petitioned the council against the bill; Mr. Lord was the only petitioner in favour of it. All the unofficial members, except Captain Swanston, opposed the bill, which, however, passed into a law† on the 21st September, 1840, with a clause suspending its operation until the queen's pleasure should be known. The petition to the secretary of state was the natural result of that clause; and the petitioners took the opportunity of rebutting many alleged misrepresentations of themselves and their cause, contained in Mr. Lord's petition to the council. And as the council had

* A little acquaintance with his law books, will, by and by, we hope, instruct this learned person, that prerogative though it be, it is also a *writ of right*. (Sir Oliver Butler's case, 3 Lev. Rep.)

† Acts of Council, 4 Vic. No. 17.

‡ Petition of Messrs. Jackson, &c., to the Secretary of State, p. 9.

printed that petition on the motion of the attorney-general, it was natural that the reply to it should be printed by its authors, and circulated as far as might be necessary for the purpose of rebuttal. Unluckily for the petitioners, however, they had also laboured to explain away the adverse vote of the council, by some remarks upon the peculiar position of the place-holding members of it, in regard to their means of subsistence; and of Captain Swanston's vote they said, that it "*may be accounted for* by his being a near relative of the attorney-general, whose character is so deeply implicated in this case;* and moreover, by his being interested in another case, where the statute of James would have the effect of defeating a grant that had been improperly obtained from the crown." This was the libel!!

The audacious petitioners having been brought up, *on a bench warrant*, twelve civil jurors, first fruits of the new Jury Act, met and voted the above sentence a wicked libel. Of the four petitioners, the poorest was fined *ten pounds* and sentenced to *three weeks'* imprisonment; the others were fined *one hundred pounds apiece*, and sentenced to *seven weeks'* imprisonment!!† All four underwent their sentences by confinement, in one cell of 17 feet by 11, on the felons' side of the common gaol of Hobarton, with the worst of offenders in their immediate neighbourhood, and with the horrid remembrance that their own cell had been tenanted not very long previously by a wretch under sentence of death for murder and cannibalism,—and that another unhappy prisoner had, more recently still, ended there his earthly woes by suicide! If this case reaches Downing-street, surely it must draw down their indignant sympathies who have the power to redress it.

Out of the remaining facts before us, we have only room for a selection. Those we have recounted show plainly how unsafe a thing it is for any man to choose a habitation in a penal colony, who is not prepared "to pray for good Mr. Squeers, and love Master Wackford Squeers, and not object to sleep three in a bed, as no Christian should." Happy, on the other hand, are those who are compliant! The proprietor of the *Hobarton Advertiser*, a Mr. Abbott, whose editor is an emancipist, coveted much a certain piece of land, which,

* By his acting as private counsel of Lord, at the time when, as law adviser of the crown, he pronounced against the *scire facias*.

† "True Colonist," 5th February, 1841

having been put up for sale in 1831 by the crown, had been bid for by himself and a gentleman named Sharland, and knocked down to the latter. The deposit was paid, and the purchaser took possession. The unsuccessful party tried to move Colonel Arthur to give him another chance, but in vain. After some years, Mr. Sharland made a disposition of his property, under which the lot of land became vested in his son; and he requested Colonel Arthur to retain the grant-deed to himself, already executed by Colonel Arthur and perfected, and make out one instead in his son's own name. That son had incurred official ire, by his sympathy on behalf of a gentleman, about that time most unjustly dismissed from the colonial secretaryship, and replaced by Captain Montagu, Colonel Arthur's nephew. Colonel Arthur being at that time on the eve of departure for England, nothing more was heard of this land until after Sir John Franklin's arrival, when the new grant-deed, although actually engrossed and executed, and ready for delivery, was suddenly impounded and its issue stopped, in consequence of a renewed application of Mr. Abbott to let him have the land at its prime cost in Mr. Sharland's stead! The reason assigned for this modest request was, that he *would* have bought the land long before 1831, had he not supposed that it was included, by overmeasurement, in other land previously sold to him by the crown! A board was named of two persons, holding offices at the will of the higher powers, and moreover personally hostile to Mr. Sharland and friendly to his opponent. Their enquiry was a secret one; only Mr. Sharland, jun. was permitted to attend it, but his father was peremptorily refused. Their report was most unfavourable to his case; the colonial secretary immediately confirmed it; and a new grant-deed was made out from her Majesty to Mr. Abbott. This was in 1838, after Mr. Sharland had been seven years in undisturbed possession of this land. Within a few weeks, Mr. Abbott sold a quantity of land, comprising this very lot, to one of the parties officially concerned in the transaction, and who has since resold it, not unprofitably, to Mr. Orr, a merchant in Hobarton! Mr. Sharland's appeal to the secretary of state not having been accompanied with the necessary documents, all of which were in the hands of Sir John Franklin, in spite of applications on his part to the colonial secretary, was unsuccessful. Being advised by counsel that a *scire facias* would lie to repeal the grant to Abbott, and, desirous to try the question, he wrote to the acting colonial secretary, Capt. Forster, in November 1840, acquainting him

with his counsel's opinion and his own intention, and applying for the grant-deed originally made out to himself, and which, as we have observed, was a *perfected* document, and entrusted by him to the late governor's custody, for a specific purpose, never carried into effect. He was told in reply, that "it was not in the lieutenant-governor's *power* to comply with his request." On receiving this letter, he begged his counsel to call at the secretary's office to know the reason. That gentleman waited upon the assistant colonial secretary, and was informed by him, that he did not know where the deed was; *that it was most probably torn up, at least it ought to have been!!* Mr. Sharland's counsel then asked him whether, if it should be found, he would be able to have a sight of it, for the purpose of preparing the petition for *scire facias* according to form? He was told, "Certainly not! Do you think *WE* are going to furnish you with weapons against *OURSELVES*?"!! And, in fact, the injured party has been accordingly reduced to make a second complaint to Downing-street.

The fact is, that as with the life, liberty, and fame, so too with the property of a free colonist,—the only principle that guides the colonial government, even in its comparatively juster moods, seems borrowed from some code of gaol-regulations. No man, as it seems, is permitted to enjoy that protection of property which British law can insure to him, unless the interests of the penal government demand it. And it is most painful to observe, that so much has been the loss of virtue in these once British people, that even the free colonists themselves, with very rare, but honourable exceptions, seldom think of invoking, on the justest side, the nobler shield of law. Of the constitution and their inalienable rights of citizens freeborn, we seldom find a trace in any of their publications but the *True Colonist* newspaper. In almost every litigated question between the local government and the trembling proprietor of lands, or chattels personal, the great point on both sides seems to be, to win and keep the good opinion of the secretary of state; that is, of the chief clerk in the under secretary's office! The dispatch of the secretary of state is generally considered decisive; even supposing that the oppressed party has had courage enough to incense his masters by appealing to that tribunal. "This is a great wrong," quoth the one party, "for look to what his lordship has written about it!" "It is no wrong at all," cries the other side—"for see! I have a later dispatch than

yours; and it tells a very different story." The following illustration of this most debasing tone of feeling, will also serve to show, that the prerogative tendencies of the colonial government are too bold and high-flown to be confined to ordinary means, when these are inadequate to the greatness of the ends.

The Church of England enjoys no ascendancy in Van Diemen's Land. All denominations are theoretically and practically equal before the law of that colony. Let not our readers imagine that this is due to the liberality of the rulers. It is only to be attributed to the general system, to which we have already adverted. There is no independence tolerated in gaols,—not even ecclesiastical independence. There are no incumbents; only chaplains. So it is with Van Diemen's Land. Before the Church Act passed,* the different denominations received indiscriminately their share of government monies; and churches and parsonages were built at the public expense, for the use of other religionists, as well as for that of the Anglicans. Some jealousies and difficulties connected with these distributions of bounty, as well as the uncertainty of the tenure by which the religious edifices were held, induced the government to bring into the council, the bill commonly called the Church Act: by which, the equality of all denominations, especially of those of Rome, England, and Scotland, was asserted; and the future issues of church-building funds and ministers' stipends, regulated according to one uniform scale. And, as to the tenure of churches and other buildings, "*whether now or hereafter erected, or now in progress of erection, in the building of which respectively any public monies shall have been expended,*" the third section of the Act provided a sufficiently clear and easy rule, as one would think, whereby to decide all contested questions soever. For, by that section, the *original* user or enjoyment was to regulate the dedication of the *freehold* of the fabric, and thus these buildings were for ever transferred from the crown, "to be *for ever* dedicated to the purposes, and holden *solely* for the uses, and be appropriated to the service of the religious denomination, *for which respectively such buildings were erected originally.*" A question has been for some years pending under this clause, between the Presbyterian and Anglican inhabitants of Bothwell on the Clyde. A church had been erected in 1830-1, by go-

* Acts of Council, 1 Vic. No. 16.

vernment and the inhabitants, of which the Presbyterian minister and his flock had been in peaceable possession from the moment of its erection, down to the passing of the Church Act, and even to the present time. From some occasional visits of Episcopalian ministers to this church (the only one in Bothwell) for the purpose of administering their rites to the few English residents of the place, as well as from some early intentions of Colonel Arthur, the Anglican archdeacon, in the course of the year 1837, laid claim to the whole of the fabric as Episcopalian property. On their side, the Presbyterians insisted on their sole and undivided right to the church; affirming that the visits of the Episcopalian clergymen had never been admitted by them as of a right, but merely out of courtesy; and that, even if Colonel Arthur's intentions could be in any case urged against themselves, that officer in his last minute of council had expressly and formally adopted intentions altogether opposite.* A third party, the Economists, interpreted the voluminous evidence of either claimant, to have established the joint title of both to the same fabric, *per mie et per tout*. The government again asserted its own right to it, on the ground that it was a case not within the Church Act at all. And lastly, the Scottish heir at law of a Mr. Alexander of Sydney, put in his claim to the soil on which the church had been built, as having been originally granted to the deceased, and afterwards by the error of the surveyors included in the township of Bothwell. This was considered by all thinking men a proper case for an information suit in the supreme court in equity. But the government had only asserted its own claim, with a view of granting away its supposed rights to the Church of England; and, as to the stranger in the distant land, woe to the weak! The Presbytery was invited to have recourse to law, *as the secretary of state had directed* that either this question should be settled in that way, or else in the event of both parties refusing to commence proceedings, *that the governor and his legislative council were to pass an Act, giving over the church to the Anglicans, with a lien upon it in the Presbyterians' favour, for the amount subscribed by members of their body in 1830-1!!!†* It was in vain for the moderator to remind the governor that the Presbytery being

* "Vindication of the Presbytery of Van Diemen's Land," by James Thomson, Esq. A.M., pp. 161-2.

† Evidence in the case of the Bothwell Church Bill, pp. 45-46.

in the undisturbed possession of this church, was in a condition to repel aggression indeed on the part of others, but could not itself take the initiative in proceedings either at law or in equity. The acting colonial secretary affected to see in this remonstrance, only an open disrespect towards his *alter ego*, the governor, and his idol, the secretary of state. The threatened interference by enactment, was accordingly resorted to. The archdeacon's own registrar and proctor prepared it; and the attorney-general, who had previously consented to take a retainer from the Presbytery, although fully aware of the intentions of the government, and had even gone so far as to advise them on the management of their case, suddenly informed them, that, in compliance with instructions *just received*, he must abandon their cause, and prepare himself to bring in the Spoliating Bill! In the face of every principle,—in spite of the non-existence of any law, British or colonial, to warrant such a procedure, and in defiance of the earnest protest of the Presbytery,* this outrageous measure was proceeded with. So assured were its authors of success, that they rashly paraded, for the sake of a bastard popularity, the preliminary mockery of an investigation at the bar of a council, which had confessedly neither the power to commit two contumacious witnesses, nor to examine any one upon oath; and some wretched stuff out of the colonial secretary's letter-book, which they called "Evidence in support of the Preamble," was produced and printed. Nor was this the only farce. The solicitor-general, who had nothing whatever to do with the Bill, was ordered to appear at the bar of the council, *and prove its preamble*;—a Bill, be it observed, which, whether it were proved or disproved, was to be carried through at any cost! That preamble consisted of five recitals. Of these, the second, third, and fourth, set forth the exclusive title of the English, and the recent usurpation of the Scottish Church. But the first and fifth recitals are so startlingly contrasted, that they merit a sepa-

* "To his excellency Sir John Franklin, Knight, &c. &c., and to the honourable the Legislative Council, &c.

"We, the undersigned, hereby beg, in the name and on the behalf of the Presbytery of Van Diemen's Land, respectfully to enter our protest against the interests of the said Presbytery being at all affected or committed by the bill now before the honourable Council, relative to the church at Bothwell; and we further protest and declare, that the said Presbytery is in no way a party, or to be considered a party, to the bill referred to. J. Lillie, Moderator; James Thomson, Procurator and Agent of Presbytery of Van Diemen's Land." (Protest to his Excellency in Council; ordered to be printed, 24th September 1840.)

rate consideration. The first recited verbatim the third section, already quoted by us, of the Church Act; *the law of the land*, which not even this bill proposed to repeal! The fifth recital was as follows: *

"And whereas, his Excellency the lieutenant-governor of this colony, has recently received a *dispatch from the Right Honourable Her Majesty's Principal Secretary of State* for the Colonial department in England, conveying Her Majesty's *most gracious will and pleasure (!)* that the said church should be holden *solely for the uses*, and be *appropriated to the service*, of the members of the *United Church of England and Ireland (!)* residing within Bothwell aforesaid, and that the members of the Church of Scotland should have, and were entitled to a lien or charge on the said Church, for the said sum of £. , *being the amount of their original contribution towards the erection of the said Church!!*"

Then followed the *two* enacting clauses; brief echoes of the recitals. The Presbytery intrusted its cause to a Catholic barrister: the Presbyterian minister and congregation of Bothwell gave him also their brief. At the bar of the council, the solicitor-general and his antagonist, urged the cause of their respective clients in a conflict of more than a week's duration. The greatest interest appeared to be aroused on every side by the question of what was in fact the *nature of the dispatch of the secretary of state!!* At the close of it, a vote was taken on the first reading of the bill; when, contrary to all hope, the chief justice's constitutional and manly objections to a measure, which went far to turn the council into a Star Chamber, swelled so materially the forces of those members who trembled for their own possessions if such a precedent were adopted, that the lieutenant-governor found himself reduced to the unpleasant alternative of giving his casting-vote for or against the measure. A *tertium quid*, the withdrawal of the Bill, was whispered in his ear by the acting colonial secretary, its main promoter. The happy medium was embraced. It has since been intimated to the moderator, *upon authority*, that the matter has been again referred home to the *secretary of state*; and that the lieutenant-governor's secretary is prepared to issue a grant-deed of the church in question, to the party or parties so happy as to enjoy the approbation of his lordship.

When we hear and read of such doings as these, and turn

* Draft, 4 Vic. No. , p. 2: "An act declaratory of the rights of the members of the United Church of England and Ireland to the exclusive use of the church at Bothw

our eyes to the 29th chapter of *Magna Charta*, or to the *Star Chamber Abolition Act* (14 Car. I, chap. 20,) we more than ever bless the memory of ancestors, who left us an England to inhabit, and not a gaol-yard! We were informed the other day, by a barrister who had visited Van Diemen's Land, that in his whole library there were no books so useful to him there, professionally, as the black-letter reports and text writers of the Stuart and early Hanoverian times, when prerogative on one side, and its victims on the other, daily suggested new matter for forensic argument and judicial determination. If so, then, besides its other evils, Van Diemen's Land must be as little suited to the lover of rational and personal freedom, as England was in the days of pursuivants and high commission; and two centuries behind the mother-country in these important respects, as she undoubtedly is in others already glanced at by us.

When to the means and appliances of the vulgar tyranny we have attempted to describe, our reader has added, within his own mind, their inevitable consequences,—the universal distrust, the shunned confidence of men, the lesson of duplicity imbibed alike and practised in all the details of intercourse and communion, he need not wonder when he hears that some have dared to render themselves obnoxious to the emancipist organs of the government, by the public declaration that “Van Diemen's Land is no place for a gentleman to live in!”* We are well prepared to believe, at least, thus much. We have heard it said, that “private and confidential,” are words there which have not simply lost their European significance, but being understood to denote the value and importance which the person communicating the secret, attached to it himself,—and so to signify “authentic and accredited,”—are, in that regard, far more calculated to promote than to prevent the ready circulation of the delicious scandal!

Of all presumptive evidence of the moral debasement engendered by the delations of the colonial administrators, that which perhaps is not the weakest, is that there is no reproach more commonly resorted to in that colony against an adversary upon either side of every question, than that same reproach of mendacity. “Out of the abundance of the heart the mouth speaketh.” The hearts of many there have been crushed by tyranny, and they fester on in corruption and deceit. Let them be asked privily, touching their tyrants, and you will hear

* *Hobartton Advertiser*, 14th January, 1841.

them execrated; but change the sphere to the public assembly or the printing-room, and you will be amazed to find the curses changing to blessings, or descending upon the head of the plain speaker and the free; amazed, we say,—until you are made aware that you behold before you men endeavouring to escape the mark and ban of an all-powerful police, by the loudness of their acclamations, at the sacrifice of another victim.*

These are thy fruits, transportation! How long shall they endure? Till transportation endures no longer! If there be a member in either house who values his parliamentary privileges as means, not as the end,—we demand his attention to these statements. The documents which are to be found at the head of this article, disclose an iniquity too gross to last much longer. It is for parliamentary men and statesmen to determine the manner of the end. For, whether they interfere or not, the end cometh. And the first and foremost step to be taken, if enquiry and not rather instant action, be thought advisable, is the appointment of a parliamentary committee at home, and a commission in Van Diemen's Land, each armed with the fullest powers of investigation into the abuses and defects of our administration of the free and bond inhabitantries of Van Diemen's Land.

But enquiry, if enquiry there must be, should propose to itself no other end than the punishment of the guilty satraps, and the accumulation of such an amount of experiences of provincial administration in Van Diemen's Land, as will put us in possession of the means of guarding against the like tutelage of another infant colony so long as time shall last. Transportation must not wait for its abolition. It has already abided two prolix and systematic examinations, besides several desultory incursions of the curious. Let it not be thought that any further good can come of such another. And that we may not content ourselves with simply laying this em-

* When Colonel Arthur was about to quit the island, he received a present of plate from the inhabitants. Never was antipodean governor more unpopular than he was at that time! The *plate* was required for *service* at Downing Street! All the government officers, of course, concurred in the subscription. All who had claims for land before the caveat board, or who had lodged caveats against such claims, were only too happy to do the same! Several bitter enemies of Colonel Arthur were among them! And that the sum raised might be as large as possible,—his nephew, who managed the thing, sent circulars to the police magistrates, recommending them to apply to *convicts holding tickets of leave, and other indulgences, by Colonel Arthur's gift!* But it was added, "no one convict is to be allowed to give more than five pounds!!" Was it to that good service of plate that Colonel Arthur owed his Canadian appointment?

bargo upon the supply of convicts—whether as bond-assignees, probationers, ticket-of-leave men, emancipists, or by whatever name we may elect to call them—but that we may make amends also to the colonists, even at this late hour, for the corruption and demoralisation which, ever since the first free emigrants touched their shores, we have never ceased to bring upon them,—let us infuse the healthy blood of our own free, bold peasantry into the sickly blood of Tasmania. Let our right hand tear away the felon bondsman, while our left hand plants the free cottager in his stead. Thus shall we obtain from the grateful island, in after years, not only its forgiveness for ancient tardiness, but, much more, blessings for the still timely succour. While we write, more than a thousand applications for free passage to Van Diemen's Land, for emigrant labourers, have been dispatched to Downing Street, through the colonial secretary's office: many more such applications would follow, doubtless, but for the exhaustion of their land fund, through our own criminal neglect. If it be so, let that parliament which freely gave 20,000,000*l.* to redeem the negro, remember that our country owes a debt to its southernmost child, the discharge whereof will be more than generosity,—it will be justice. In one word, whether out of colonial funds alone, or British funds also, the money be provided, let it be provided; so amply, too, that the humiliating prayer for bondsmen may be no longer heard; and that those who have raised it may be put to silence, at least, if not to shame, when, by our exertions, they see their labour-market stocked with *free men*, wages lowered, and the demand for labourers no longer greater than the supply. And on their side, too, our lowly, honest countrymen may assure themselves that, when transportation is ended, there is no place in any quarter of the globe where the industrious and sober labourer, or artisan, will find a more cheering welcome, and a more ready appreciation of his worthiness of his hire, than in Van Diemen's Land.*

* In 1838, owing to a temporary depression, the wages of mechanics had fallen to a rate lower than they have ever since been known; yet the following are some of these *low* rates: bricklayers, 6*s.* and 6*s.* 6*d.* a day; masons, ditto; carpenters, ditto; plumbers, 5*s.* 6*d.* and 6*s.* a day; &c. &c. (Statistical Returns, &c., Table 19.) In the year 1840, we observed an advertisement offering 10*s.* per day to a good blacksmith. Agricultural labourers also realise very high wages. A gentleman of large property, near Oatlands, told us, that of his farming men none received lower wages than 20*l.* a year, and one man as much as 30*l.* a year. This was over and above their rations and house-room. As to domestic servants, their wages are far higher still, and indeed quite extravagant.

The time has long since come, and, happily, has not gone by as yet, when free institutions should have been granted to the colonists. Let them be granted now. And let us be mindful, that as one free institution supports another, so the denial of every necessary one impairs the rest, and may even, in some cases, as already noticed of trials by jury, rather dispose those which remain to become the tools of corrupt tyranny. Let us, then, not be niggardly in well doing, but rather let us esteem it our pride to elevate Van Diemen's Land, at this crisis of her destiny, for good or ill, to a level with all our other colonial possessions of the same magnitude with herself. Where we have deemed it wise to limit and confine their local franchises, let us, if necessary, curb and restrain her's also. Where we have agreed that these may, without challenge or jealousy on our part, enjoy the full measure of their birthright, let us impart to her also the rich inheritance without stint. And when to all these wholly temporal and secondary implements of greatness, we super-add the endeavour to instil into her children, and foster and keep alive the blessed light wherein their and our common forefathers first fashioned forth, and secured unto their country, not only these good things, but all other earthly adjuncts and appendages vouchsafed to those who "seek first the kingdom of heaven and its justice," we shall not doubt of a speedy and a brilliant triumph for Tasmania. Her vices and weaknesses are of forty years; but what are forty years to all the course of time? what to eternity?

ART. VII.—1. *Schiller's Leben Geistesentwicklung und Werke in Zusammenhang.* Von Dr. Karl Hoffmeister (*The Life and Works of Schiller in connexion with his Spiritual Development*). Stuttgart: 1839.

2. *Schiller's Leben, von Gustav Schwab.* Stuttgart: 1840.

3. *Schiller's Bride of Messina.* Translated by A. Lodge, Esq. London: 1841.

THE principal literary names of Germany have, for some years past, been nearly as familiar to the educated classes in England, as those of native writers, and her language and literature have been made the objects, if not always of very assiduous study, at all events of zealous eulogy. If this zeal has not been in all instances "according to knowledge," nearer approaches have certainly been made to it than in those disparaging estimates, proving nothing but the ignorance and narrow-mindedness of the writers, which could formerly find

their way into many of our leading periodicals. Great progress has been made since the days when Schiller and Goethe were no further known, to the generality of English readers, than as the authors of *The Robbers* and the *Sorrows of Werther*. Translations of most of the principal productions of these, and other distinguished writers, have been current among us, and some of them indeed,—of *Faust* for instance,—have been “as plenty as blackberries,”—the regular *pièces de résistance* for every tyro to try his “prentice hand” upon.*

Generally speaking, however, translations afford but imperfect means of acquaintance with writers of much depth and originality. Mere matter-of-fact books lose, perhaps, little or nothing by translation. But the more original a book is, the more it differs from the mere mercantile article that sometimes passes by that name, the more does it usually reflect the age, the country, the social circumstances of the writer. Some few books indeed may be said to bring with them their own atmosphere of light; but these are most rare exceptions, and prove nothing in favour of translations in general, which are not only seldom free from the strangeness and awkwardness belonging to unaccustomed attire, but take the reader by surprise, throwing suddenly before him new and unexpected forms of life, perplexing him with symbols with whose hidden meaning he is unacquainted, and producing as disagreeable a sensation as that of entering a foreign circle whilst ignorant of its language. The time and labour requisite for the acquisition of a foreign language, afford us the opportunity of becoming gradually familiarized with the modes of thought, and the manner of life of those who speak it, as in the gradual approach to a distant country, almost every object we meet with on the road informs us of some new particular concerning it, and serves to explain something which is to follow. But in forming an acquaintance with a foreign author by means of a translation, we are, as it were, dropped by a balloon into the strange city, and walk about puzzled and bewildered as in a dream.

These remarks appear to apply particularly to writers of the *subjective* class to which Schiller unquestionably belongs. His works can only be judged accurately when taken in connexion with his life, of which indeed they may be considered

* Mr. Lodge's Translation of the “Bride of Messina,” which is mentioned at the head of this article, is deserving of high commendation for elegance and accuracy. We regret that it has reached us too late for a lengthened notice in this article.

as essential parts. They present in a regular series, expositions of successive stages of mental development, and can scarcely be judged of at all in a fragmentary manner. Many obscure passages of his philosophical writings may be suddenly illuminated by reference to poems, in which the most abstract ideas are clothed with living imagery that renders them "palpable to vision," whilst on the other hand, his lyrical productions contain in microcosmic diminution his whole system of philosophy.

He could not, like his great friend and countryman, Goethe, take up a subject and toy with it, dilettante fashion, and try what could be made out of the mere representation of it, without caring more about it. To Goethe, as lord of the world of art, it seems equal whether

"A hero perish, or a sparrow fall."

He can find as much to interest him in the laying out of a garden—in the fitting up of a house—in the most trivial details of domestic economy—as in the most passionate workings of the human soul! But Schiller must put his heart into the business. When burning with youthful indignation against the conventionalism and tyranny of the narrow sphere that was then representative of the world to him, when pouring into fervent poetry the torrent of impetuous passion, when struggling in the cold grasp of doubt and despair, revelling in the pleasures of social life, or tasting the higher, purer joys of divine philosophy—he is equally in earnest—equally writing from the bottom of his heart. The progress of the author is inseparably connected with the life of the man.

In choosing so often to clothe his conceptions in a dramatic form,—certainly one ill-adapted to the character of his genius,—we cannot help thinking that Schiller yielded to the influence of circumstances, rather than followed his own unbiassed tendencies. Indeed, some misgivings of this kind seem to have haunted his own mind to the last. But in the hard, dry routine of the military school, where his early life was spent, the occasional performance of plays afforded the only glimpses into that ideal world of splendour and beauty, that lay afar off and dimly visible to his young imagination. He had been early familiarized by his mother with the writings of Uz and Gellert, and such poetry as came within her reach: the study of these writers and of the Bible gave a devotional turn to his earliest aspirations, and he was destined to have entered one of the conventual schools of Wurtemberg, with

a view to theology as his future vocation, when an offer was made to his parents to receive him into the Karl's Academy, recently established by Duke Charles.

The proposal does not appear to have been particularly relished by his parents; but his father being an officer in the duke's service, could not well decline the honour. The seminary was a kind of hobby of the duke, who amused himself with it by way of variety, after a life spent in ostentation and sensual excess. Military subordination was the leading principle of the institution. The pupils marched to their lessons, marched to dinner, marched to bed, and held up their hands to pray at the roll of the drum. All tendency to originality of character was to be severely checked, and every talent repressed that did not shoot forth in the prescribed direction. Even letter-writing was prohibited, and the utmost vigilance was employed by the authorities to prevent excursions on the forbidden ground of Parnassus. So closely were the pupils watched, that they were never allowed to assemble in groups, and Schiller could only "snatch a fearful joy" in communicating his poems to his friends in a lonely passage, a retired walk in the garden, or even a corner in the washing-room, whilst a friendly sentinel kept watch without. In strange contrast with all this rigid discipline, however, the pupils were permitted, not only to perform plays, but to mingle in the masquerades, and other not very decorous festivities of the ducal palace.

In order to obtain leisure for composition, Schiller was sometimes tempted to feign illness, that he might be allowed to pass the night in the apartment of the sick, where a light was burned; and these stolen intervals produced *The Robbers*. On one occasion the nature of his indisposition being discovered, a powerful dose of study, in the line of his then appointed profession of medicine, was prescribed as a cure. Though usually modest and submissive in his demeanour, the hidden volcanic fire of his temperament broke forth; he tore the paper presented to him, and throwing it on the ground, declared he would choose his own tasks. This outbreak was punished by degradation; and Schiller formed a project, with some companions, to escape from so galling a yoke by flight. The project, however, was not put into execution, and the young poet was driven back into that ideal world, whose boundless freedom made amends for the irksome restraints of the institution. It would be curious to contrast these early years of Schiller, in the barrack-like formality and monotonous seclusion of the Karl's Academy, with the liberty, the variety,

the "lettered leisure," of Goethe's home at the same period of life, and to trace the effects of this morning sunshine of a happy youth; but it would lead us too far from our present purpose. Our allusion was intended merely as explanatory of the character of Schiller's first dramatic production, *The Robbers*, which saw the light under circumstances that would at all events render it a literary curiosity.

"It was a strange blunder of nature," says Schiller, some years after, reviewing his own productions in the *Rheinische Thalia*, that in my birth-place condemned me to be a poet. An inclination to poetry was an offence against the laws of the institution where I was brought up, and opposed to the plans of its founder. For eight years did my enthusiasm struggle with military discipline. But a passion for poetry is strong and ardent as first love, and the opposition intended to stifle does but make it burn the stronger. Unacquainted with the world, from which iron bars shut me out; unacquainted with man—for the four hundred who surrounded me were but as one, faithful copies of one and the same model, and that model one utterly rejected by plastic nature, for every individual characteristic was lost in the unvarying routine—unacquainted with the fair sex, for the gates of the institution were open to them only before they became interesting, or after they had ceased to be so. Thus, ignorant of human character or destiny, my pencil must necessarily miss the middle line between angel and devil, and delineate nothing but a monster. The only apology for *The Robbers* must be the climate under which it was produced. Of all the innumerable accusations against its author, the only just one was that of my having presumed to paint men, two years before I had ever known one."

They would, indeed, be grievously disappointed who should seek in the literary merits of this strange piece for the cause of the wonderful sensation produced by its first appearance; but this affords sufficient proof, that in spite of its most salient faults, some tones of truth must have been elicited from the chord, that awakened so startling an echo. There was, indeed, much in the social condition of the period to warrant the distorted and monstrous features of the picture it presented. "Not Charles Moor," says one of Schiller's biographers,* "but society itself was the prodigal son of this dramatic parable. All the evident defects of this melodrama, all the incongruities of its plan—its exaggerations of character—its wild and presumptuous language, were not only pardoned, as the errors of genius manifesting itself even in

* Schiller's Leben, von Gustav Schwab. Stuttgart: 1840.

this monstrous birth, but forgotten in the solemn tone, like the dread trumpet of the day of judgment, which sounded from it over the existing generation. It did not pass away till all was fulfilled—till the world was swarming with those bands of robbers from a neighbouring state, whose trade was retribution, and whose occupation, revenge. The deputy, who swore that the people ought to be brought low enough to eat hay, and his murderers, who drove him to slaughter at Paris with a bundle of hay on his back, were they not monsters borrowed by reality from Schiller's *Robbers*?"

In 1780—in the twenty-second year of his age, Schiller was appointed surgeon to a regiment, with the monthly pay of *eighteen florins* (about nine shillings a week), and as yet the combustible tragedy slumbered in manuscript upon the author's shelf. As however, the first period of Schiller's emancipation from the thralldom of the Karl's Academy, was not marked by more prudence and moderation than might have been expected under the circumstances,—the state of his finances soon became embarrassing. Perhaps it was well for him that he so soon experienced a check in the dangerous career into which the example of his princely patron had contributed to draw him.

In his pecuniary distress he first began to think of negotiating with the booksellers for the publication of the *Robbers*; but though he entertained hopes of gaining, by favour of the muses, some advancement at the court of the omnipotent Mammon, his expectations were sufficiently moderate. "If the poet Staudling," he says in a letter to a friend, "received a *ducat & sheet* for his verses, why may not I expect as much?" The booksellers, however, not knowing well what to think of the strange production submitted to them, declined publishing it except at the cost of the author. Nothing daunted, Schiller borrowed the necessary sum; and the first edition, printed in the most slovenly manner, on a sort of coarse blotting paper, full of typographical errors, and looking like a collection of murder stories and halfpenny ballads, soon gladdened the eyes of the author. It was decorated with a vignette, the work of a comrade from the Karlschule, representing an angry lion rampant, with the significant motto—"In Tyrannos."

The few first finished copies were received with rapture, but as the heap gradually increased, Schiller began to experience, like other parents, some anxiety as to the disposal of the offspring, whose entrance into the world he had so fondly hailed; and to consider, whether undertaking to print at his

own cost, with an income of nine shillings a week, had been altogether prudent. Now that it lay fairly printed before him, he also became more acutely sensible, not only of its æsthetic deformities, but also of its dangerous social character. This period of anxious suspense lasted a considerable time; but at length "the meteor began to kindle on the literary horizon. Travelling *belles esprits* sometimes stopped their equipages before the poet's little lodging; and however flattering such an incident was felt to be, some little embarrassment was sometimes occasioned to him and his friends at the condition of the '*salon de reception*.' Its only furniture consisted of a large table and two benches—the walls were decorated with articles of Schiller's wardrobe—trowsers, &c. In one corner might be seen a pile of the *Robbers*, and in the other a heap of potatoes, mingled with empty plates, bottles, and other things, which generally passed under a silent review before the object of visit was broached."

In the meantime the bookseller Schwan, at Mannheim, a man to whom the literature of his country is said to have been much indebted, had been delighted with the bold and spirited character of this singular production, and had brought it under the notice of Baron Von Dalberg, then superintendent of the Mannheim Theatre, and president of the German Society: a man of great reputation for his services to literature and art,—who was considered to have placed the theatre under his direction at the head of the dramatic school of Germany. At his suggestion, Schiller joyfully undertook to adapt his piece to the stage, for which it was not originally written, and even to effect many alterations, in opposition to his own judgment; such as its transposition into a different period from that in which it was at first placed. An abundance of most flattering encomiums rewarded his compliance, and Schiller congratulated himself on having acquired the favour of so distinguished a Mæcenas as the Baron Von Dalberg.

On the 13th of January 1782, the eventful day which may be regarded as the commencement of Schiller's career as a dramatic author, the corners of the streets at Mannheim appeared decorated with large playbills, setting forth the intended representation of "the *Robbers*, a tragedy in *seven* acts, to commence at five precisely."

To these, as it was thought necessary to "insinuate the plan to the boxes," a long explanation was appended, containing full particulars of the characters of Karl and Franz Moor, and instructions how to distil the moral; and concluding

with an exhortation to the young, to beware of the consequence of unbridled excesses; and to remember that the invisible hand of Providence can make use of the greatest villains as instruments of its judgments.

As the piece had been much talked of during its preparation, and its principal characters were to be supported by the first actors in Germany, the audience streamed in, not only from the town itself, but from Frankfort, Mainz, Worms, Heidelberg, and all the neighbouring country, and the sensation produced corresponded with the expectations excited.

The universities of Germany soon resounded with *Robber* songs, and the booksellers were overwhelmed with *Robber* romances. A bandit society was formed in Leipsic, by a troop of lads, who proposed to make a neighbouring forest the scene of their exploits; till at length a police regulation forbid the representation of a piece, which was regarded by the authorities as a declaration of war against social order.

In the mean time, Duke Charles of Wurtemberg, who approved of freedom and enlightenment indeed, but only in moderate and appointed proportions, became alarmed at this comet-like course of his young protégé; and indignant at certain allusions to his own proceedings, which had been discovered and pointed out in the offending tragedy, he summoned the daring pupil of his academy before him—warned him of the various and sundry transgressions against good taste, to be found in his play, and commanded him in future to submit his poetical productions to his princely judgment.

A stolen visit paid by Schiller to Mannheim, to witness the first performance of the *Robbers*, had remained undiscovered; but a further cause of offence soon appeared in the complaints made by the neighbouring canton of the Grisons, of certain libellous expressions put into the mouth of one of the associates of Charles Moor, who declares that part of Switzerland to be the “true rascal climate, where villains come to the highest state of perfection.” In vain Schiller pleaded that the opinion was expressed by the worst of the whole band of robbers, and even that there existed in Swabia a popular saying to that effect;—a peremptory order was issued that he should, once for all, give up poetry and stick to physic. This terrible injunction found him in the midst of historical studies, plans, and projects for future literary undertakings, to which he had naturally been excited by his first grand success;—although, to the credit of his self-command, it must be remembered, that he had still retained

sufficient sobriety of mind to devote a great part of his time to the composition of some medical treatises of high promise.

His attention was also less agreeably occupied by the debts contracted for the publication of the *Robbers*, as well as of a volume of poems, in which he had been associated with some young friends. The performance of the *Robbers* does not appear to have produced anything more substantial than that "empty praise," that was more likely to satisfy the poet than the printer. His miserable pay as a surgeon, scarcely sufficed to cover his most necessary expenses. In this extremity he wrote to Von Dalberg, earnestly entreating him to endeavour to obtain permission to leave Stuttgart, as if for a temporary residence at Mannheim. The letter produced only a cold and evasive answer; and the situation of the young poet became daily more painful. Exposed thus to the harassing effects of pecuniary cares, and the vexations of petty tyranny,—almost worshipped by a little circle of admirers, intoxicated by the incense of flattery breathing towards him from the most distant corners of Germany, whilst subject every moment to be reprimanded like a schoolboy, his anomalous position began visibly to affect his temper and character.

He determined at all hazards to escape from this thralldom; and, his resolution once taken, a favourable opportunity soon presented itself. There were to be grand doings in Stuttgart, on the occasion of a visit from a Russian prince (afterwards the Emperor Paul), and his consort, the niece of Duke Charles, besides a crowd of illustrious personages who accompanied them. The whole of the court equipages, and a magnificent stud of horses, in which the Duke especially delighted, were to be exhibited to the utmost advantage. Six thousand stags were to be driven into the forest surrounding the castle of "Solitude," and watch-fires kindled all round, to prevent their escape. They were to be urged down a precipice into a lake, where from the windows of a summer-house they could be pleasantly and easily shot by the exalted guests.

In the midst of these important cares, things so trivial as Schiller and his writings were of course forgotten. Such an opportunity was not to be lost. A hurried visit to his mother informed her of his intention:—his father was to be kept in ignorance of it, that his honour, as an officer in the Duke's service, might not be compromised. A faithful friend, the excellent and kind-hearted musician Streicher,

agreed to accompany him, and his preparations were soon made: a little trunk, a few books, a pair of pistols, and five-and-twenty florins, comprised all his worldly store.

"At ten o'clock at night, a chaise drove up to the darkest gate of the city, where an approved friend of Schiller's had the watch for the night." "Halt! Who goes there?" "Dr. Wolf and Dr. Ritter, travelling to Esslingen." The chaise drove unimpeded past the open windows of the guard-room, out of the gate, and the heart of the young fugitive beat high with the joy of freedom. At midnight, the friends reached a height, whence they looked back on the city, and at the end of a long avenue distinguished the castle of Solitude magnificently illuminated, and glittering like a fairy palace.

In the brilliant light, Schiller perceived and pointed out the abode of his parents; and a sigh for the mother he had left, checked the exulting sense of his deliverance. But this, and all other sorrows were now forgotten in the bright prospects which in his mind's eye he had seen opening before him. The theatre at Mannheim, which had profited so largely by the representation of the *Robbers*, would joyfully receive its author. Another play "*Fiesko*," was nearly ready, and would be brought out within the year; a free benefit, or a considerable salary, would soon banish all anxieties of a pecuniary nature.

In Mannheim, however, the cold touch of reality suddenly awakened him from these pleasant dreams. The director received the fugitive with polite astonishment, and recommended an immediate application to Duke Charles for pardon, ere the gracious humour belonging to a season of festivity should have passed away. Schiller obeyed, and indited an epistle, which, though humbly worded, implied a sufficient consciousness of his own value. He represented, that he had been driven to despair by the injunction to refrain from poetry; that he owed it to his own talents, and to the world, which had set some value on them, to continue a career which would lead to his own fortune, and reflect credit on his illustrious patron. That, since he was the first pupil of the ducal school who had ever drawn on himself the eyes of the world, he thought himself the more bound to cultivate such gifts as might confer distinction on it. That the command to abandon an occupation which, while it opened the way to fame and honour, promised to *add so considerably to his income*, had been severe enough to induce him to hazard this terrible step, in the hope of touching the heart of his "sovereign and

father." After two days of anxious expectation, an answer was received from the "sovereign and father," in the shape of a message, conveyed in a letter from General Augé, that his Highness being now, during the visit of his illustrious relatives, in a gracious humour, Schiller had better come back directly.

The fate however of Schubart* was full in his remembrance; so this invitation to return into the cage was not likely to be accepted; and notwithstanding the gracious humour of his sovereign, he did not deem it advisable to venture from his concealment.

He employed the period of his seclusion in the completion of *Fiesko*, to the appearance of which he looked forward as to a second triumph. The day was appointed for the reading. Iffland and other celebrated actors were assembled round a large table, and after a short historical explanation, the young author began to read. His faithful friend Streicher, the companion of his flight from Stuttgart, listened, and eagerly awaited the applause that was to follow. The very first scene would be sure to be interrupted by bursts of admiration. But the first scene was read, and no symptom of approbation followed. The first act,—and still a solemn silence. The second act was read; and then the company rose, and without saying a word about it, began to gossip of the news of the day. One of the players proposed to amuse themselves by shooting at a mark; but before they broke up, the manager drew aside the friend of the poet, and inquired if he could be certain that Schiller was indeed the author of the *Robbers*, as he could not believe it possible, that such miserable nonsense as he had just heard, could be the production of the same pen.

Cruelly disappointed and mortified, the friends returned home; and the vexation of the author naturally burst forth in invectives against the envy and stupidity of the players. He ended by declaring, that if his play were not accepted, he would turn actor himself, as, in fact, "nobody could equal him in declamation."

On the following morning, the friendly Streicher waited on the manager, with whom the unlucky play had been left for his decision, and was agreeably surprised to hear, that on a

* Schubart, the German poet, then imprisoned in the fortress of Hohenasperg, where he was confined for ten years by the Duke of Wurtemberg, on account of some writings which had given offence. He was not released till 1787.

second reading, "*Fiesko*" had pleased much better; that many passages were decidedly superior to any in the *Robbers*, and that the bad impression made at first, was mainly attributable to Schiller's provincial accent, and detestable manner of reading. With the joyful message that the tragedy was accepted, the friend hastened back, and kindly refrained from disturbing Schiller's delusion concerning the excellence of his declamation.

It was not, however, deemed advisable to await the "happy event" of a second dramatic birth in Mannheim, as some fears were entertained, that since Schiller had not returned to Stuttgart on invitation, measures would be adopted to enforce compliance. The friends resolved, therefore, on proceeding as far as Frankfort, although the state of their finances admitted only of a pedestrian journey.

With scarcely as much as would suffice for their bare existence for a fortnight, they left Mannheim, probably sadder and wiser men than they entered it. They wandered on, through Darmstadt, to the neighbourhood of Frankfort, and there the strength of Schiller gave way; probably more from the effects of the agitation he had of late undergone, than from bodily fatigue. Ill and exhausted, he sank on the ground, in a forest through which they were journeying, and fell asleep, while his true-hearted comrade kept watch over him. It is impossible to help contrasting the situation of these forlorn wanderers, with the reception which in London would have awaited a young "lion," who, at twenty years of age, had filled his country with his name. It was but a few years after, that Burns paid his triumphant visit to Edinburgh, and found himself the honoured guest of countesses and duchesses,—the "observed of all observers." Whether the ultimate result be in favour of the position of genius in our own country, does not appear quite so clear, if we compare the sad end of Burns with the close of Schiller's life; who, though to the last poor enough in this world's wealth, was rich in "honour, love, obedience, troops of friends," even before the period the poet has assigned to them, and which indeed, Schiller never reached.

A rest of some hours restored to Schiller strength to enable him to reach Sachsenhausen, where the two wayfarers took up their abode in a little public house. Here the young poet overcame his proud independence of spirit so far as to write to Von Dalberg and solicit the loan of a small sum till *Fiesko* should be produced; alleging, in addition to his present

necessity, the harassing recollection of a debt left behind him in Stuttgart, which he feared might involve some friends there in embarrassment.

After anxious watching of the post for some days, an answer was received from the wealthy baron, declining to afford any assistance, on the ground that as the tragedy of *Fiesko* was, in its present state, unfit for the stage, the security was insufficient, and he must see it rewritten before he could say anything further.

This was the second lesson in the world's severe school which the youthful poet had received, and he appears to have made some progress. There were no angry invectives this time. He continued for a few moments standing with the letter in his hand, and then, without one passionate word, informed his friend of their disappointment, and began the consultation as to what step was most advisable in their present embarrassment.

It was determined to return to Mannheim, where they could live cheaper than at Frankfort, and where, in case of the direst necessity, the tragedy might possibly bring something from the bookseller Schwan. The disinterested Streicher gave up his own plan of a professional journey to Hamburg, and applied a second time to his friends for as much as would enable them to leave the place where they were. A little incident had occurred also which led Schiller to hope for another momentary resource. Under his assumed name of Dr. Ritter he had entered a bookseller's shop in Frankfort, and carelessly enquired if the "*notorious*" piece of the *Robbers* sold well, and what people said of it. The answers to both questions were so flattering, that, in the exultation of his youthful vanity, he forgot the hazard thereby incurred, and made himself known. In his distress he now resolved to try what might be, in hard cash, the value of the compliments he had received, and returned to his admirer with a poem, *Teufel Amor*, in his hand, which he offered for five-and-twenty florins. The thrifty bookseller, however, not thinking it so decided a bargain as the poet imagined, would give no more than eighteen, and Schiller, indignant at this marketing, pocketed his poem, and returned empty-handed to his patient and sympathising companion.

Help soon after arrived, in the shape of thirty florins from Streicher's mother; and the two friends left Frankfort in the market-boat, and took up their abode in the village of Oggersheim, where Schiller set to work vigorously to remodel his

tragedy, in the hope of being soon able to satisfy the claims accumulating upon him. Letters from Stuttgart, however, still urged the expediency of concealment, and not knowing where to lay his head, he bethought himself of a kind offer of a place of refuge, made to him by the Frau von Wolzogen, the mother of some schoolfellows, to whom he had formerly confided his intention of escaping from Wurtemberg. This lady possessed a small estate in a lonely forest at Bauerbach, near Meiningen; and though, as her four sons were still at the Karl's academy, she incurred considerable risk from the duke's displeasure, should it be discovered that she had harboured the fugitive, she kindly afforded him an asylum. Before he reached her hospitable roof he was destined to another bitter disappointment. The Baron von Dalberg, though he would willingly have attached the poet to his theatre, feared the consequences of connecting himself with one who had fallen into disgrace at court. The poet was poor and helpless, and had no means of enforcing the agreement that had been made with him; so, after all his hard work, the tragedy was once more sent back, with the message that it was not yet fit for representation, and that, therefore, he, the noble baron, could not consider himself in any way indebted to the author.

A year afterwards Schiller had the satisfaction to find, among the papers of the theatre, a protest made by Iffland, the greatest actor of Germany, in his favour; in which it was suggested, that as, notwithstanding some defects, *Fiesko* possessed beauties of a very high order, some compensation for the trouble that had been given, ought to be afforded to the author. The little consolation which might have been derived from a knowledge of this circumstance, however, was denied to Schiller in his distress, and nothing now remained but to endeavour to dispose of his unfortunate production for whatever it would bring. The bookseller Schwan admired the poetry, but stood too much in fear of pirated editions to be able to venture more than a louis-d'or a sheet; but the poet was in no condition to listen again to the suggestions of his pride. His faithful friend, compelled to earn his bread as he best might by the exercise of his art, had left him; the few remaining articles they possessed had been gradually consumed; Schiller's watch was sold, and he was still in debt for a fortnight's board and lodging. The eleven louis-d'ors produced by the tragedy sufficed to pay his reckoning, and enable him to reach the asylum Providence had opened to

him. Thinly clad and ill provided for his journey, he set off for Frau von Wolzogen's estate at Bauerbach; and on a bitter cold night, in November 1782, reached a solitary valley covered with deep snow, surrounded by dark pine forests, and shut in by distant mountains. The glimmering lights from a few little scattered cottages cheered the weary wanderer with hopes of welcome; and in the house of his kind friend he found everything ready for his reception. His letters to Streicher and Schwan describe, in the liveliest terms, the comforts and advantages of an abode, which to others appeared dreary enough. He describes himself as feeling "like a shipwrecked man, who has just struggled out of the waves to a friendly shore." Suffering and humiliation had rendered this retreat doubly welcome, and the simple rustics were probably associates well suited to the melancholy and misanthropical temper of mind engendered by early disappointment.

In this wild and desolate country,

"The world forgetting, by the world forgot,"

he passed the winter of 1782-3, with no other recreation than an occasional ramble through the forest, or a game at chess with the steward, but, fortunately, pretty well supplied with books by the kindness of a friend in Meiningen, Reinwald, afterwards his brother-in-law.

His mind was to him a kingdom, in which he wholly lived, and nothing remained to connect him with the outward world, but his correspondence with one or two friends, and even this was liable to continual interruption. The state of the roads was such, that messengers sent with letters often returned on account of the impossibility of proceeding.

It is probable that this kind of life had begun to lose its charm, and the want of society to make itself painfully felt, notwithstanding the airy visions that peopled his solitude; when, towards the spring, Frau von Wolzogen, his kind benefactress, and her daughter, arrived to spend a short time in Bauerbach; and "a change came o'er the spirit of his dream." All the misanthropical congelations which had been gathering round the heart of the poet in these wintry wilds, were thawed at once; and his pent-up feelings poured out in an impetuous torrent of enthusiastic gratitude and friendship towards the mother, and of glowing admiration towards the daughter; checked indeed, in some degree, by the cruel consciousness of his destitute and dependent condition, but suf-

ficiently intelligible. All his ambitious dreams of future glory were now forgotten; he desired to live and die, and be buried, in Bauerbach. The highest renown to be hoped for from poetical triumph, he regarded as dust in the balance compared with the happiness that might await him in this blissful seclusion, with "one fair spirit for his minister." The only question for him now, was how to secure the means of realizing this Elysian dream; and, perhaps, to overcome the obstacles that might present themselves in the superior birth and connexions of the lady.

A new turn in Schiller's affairs saved him from the pain of rejection, if such had been intended, and saved his maternal friend from the disagreeable task of inflicting such a mortification on him. The Baron von Dalberg considering that as the Duke Charles had lately made no attempt to discover the poet's retreat, his displeasure had probably abated, concluded that Schiller's political quarantine had probably lasted long enough, to prevent any risk of infection from his disgrace. He, therefore, conveniently forgot the tone of his recent correspondence with the young dramatist, by whose talents he was willing to profit, and wrote in a friendly manner, expressing a wish for assistance in the adaptation of some plays of Shakspeare, and desiring that the recently finished domestic tragedy of *Louise Müllerin* (afterwards produced under the title of *Kabale und Liebe*) should be prepared for the Mannheim theatre. Schiller, though he had never reproached Dalberg for his treacherous conduct, could not be insensible to its meanness; he answered, rather coldly, that he must of course feel flattered by the confidence in his pen implied by the proposal, notwithstanding his recent failure, but as he should be sorry again to disappoint his excellency's expectations, he wished to explain some particulars connected with the piece, which would perhaps be thought to render it unfit for the stage. The number of characters, the entanglement of the plot, the unusual mixture of tragedy and comedy, and other failings, were then carefully enumerated, without a syllable in favour of the production, which might tend to balance the impression thus produced of its unfitness for the stage. The Baron, however, having an end to answer, did not think proper to break off the negociation; and it ended in Schiller's determination to return to Mannheim, and judge for himself of his prospects of success.

It is probable that the want of the intellectual excitement, afforded by more varied society, had some share in this reso-

lution; for he complained frequently in his letters of the increasing languor and difficulty of his literary efforts. He tore himself, however, from this now enchanted solitude, with many protestations and assurances of his love lasting till death, and, if possible, beyond it. Here ended this pastoral episode in Schiller's life. It is curious to find, that after all this romance, although the correspondence was continued, the mere vague report of the presence of a favoured rival, was sufficient to deter him from returning to Bauerbach; and the only offer he ever made, appeared so much like a jest that it was not thought to require any reply.

Schiller's reception at Mannheim was highly flattering; he had the gratification of witnessing the brilliant success of his two pieces, *Fiesko* and *Kabale und Liebe*, and of making what he thought the first step towards an improved social position, in the engagement to furnish three plays a year to the Mannheim theatre, for the splendid consideration of fifty pounds per annum. Although, in the sequel, this pittance proved insufficient even for his modest wishes, his recent escape from absolute destitution made him regard it with joy and thankfulness. His enthusiastic devotion to poetry, his lofty views of the objects and purposes of the drama, and the happy illusion that wafted him, as in a golden cloud, above all the mean and trivial circumstances inseparable from his new situation, consoled him for the absence of more solid temporal advantages.

It is related of him, that on one occasion, when travelling, he happened to witness the performance of some miserable strollers in a country barn, and occasioned much amusement to his companions by the deep and serious interest he took in an exhibition, which to others furnished only matter for laughter and mockery. "Happy," says Jean Paul, "is the actor in the guilty drama of life, to whom the higher illusion within supplies, or conceals, the external illusion; to whom, in the tumult of his part and its intellectual interest, the bungling landscapes of the stage have the bloom and reality of nature, and whom the loud parting and shocking of the scenes disturb not from his dream."

The high point of view from which Schiller regarded his vocation as a dramatic poet, naturally led to an investigation of the principles on which the art rested which was now to form the occupation of his life, to an attempt to vindicate for the drama a high place among social institutions, and to

rescue it from the contemptuous depreciation, to which its degraded state in these latter days has inevitably led.

"If natural pride, or the due estimation of our own worth, ought never to forsake us in any situation of life, the first question we must answer ourselves is, whether the occupation to which we devote the best part of the powers of our minds, is suitable to their dignity, and to the just claims that society has on us. It is not always the highest exertion of our powers, but their noblest application, on which our greatness depends. The more lofty the object towards which we strive—the wider, the more comprehensive the sphere of our exertion—the higher should rise our courage, the purer become our self-confidence, and the more independent of the opinion of the world."*

After pointing out how frequently the claims of the learned, and of official personages, have increased in proportion as their real influence on society has diminished, he continues:

"The young man who should leave the narrow dungeon of a barren but bread-winning science (*Brodwissenschaft*) to follow the impulse of the Deity within him, would be universally condemned. Is that the revenge of little minds on the genius whose flight they cannot follow, and who rate the value of their work so highly because of the toil it has cost them? Dullness, learned plodding, and ant-like industry, are honoured with the terms solidity, depth, and erudition—paid and wondered at. Nothing is more disgraceful in the eyes of sound reason, than the contempt with which the faculties look down on free arts; and this will continue until learning and taste, truth and beauty, become reconciled, and embrace each other as sisters."

To endeavour to effect this reconciliation was the task of Schiller's life, and accordingly, in the essay entitled "*The Stage considered as a Moral Institution*," he boldly claims for the theatre a place beside the school, and even the church, as an organic agent for the amelioration of the human race. Before we condemn the presumption of this attempt, let us be sure that we have freed our minds from the accidental degrading associations that cling round them in reference to this subject, and remember that the theatre has no natural or necessary connexion with frivolity or licentiousness.

"Whoever first made the observation that religion was one of the strongest pillars of the state, and that without it the laws would lose their power, has, perhaps without knowing it, defended the

* From a suppressed preface of Schiller's.

theatre from the noblest point of view. The uncertainty and insufficiency of political laws, which make religion indispensable to the state, determine also the moral influence of the stage. * * * *

"The jurisdiction of the stage begins where that of human laws ends. The entire realms of history and fiction are open to her authority. Bold criminals, who have long since mouldered in the dust, are called forth by the mighty voice of poetry, and live again for our instruction. Those who were the dread of the age in which they lived, appear before our eyes powerless as the shadows of a magic mirror, and with wholesome terror we curse their memory. Where morals are no longer taught, where religion no longer finds faith, and no law is present, we still can thrill with horror, when Medea totters down the steps of the palace after the murder of her children: we can still feel the value of a pure conscience, when we behold Lady Macbeth, in her terrible nightly wanderings, calling for all the perfumes of Arabia to banish the smell of blood from her hand.

"As certainly as living representation works more powerfully than dead letter, so certainly does the stage produce a deeper and more lasting impression than mere written law. A wider field is open to the stage than to temporal justice;—a thousand vices amenable to no human tribunal find here their punishment;—a thousand virtues of which human justice can take no cognizance are here recommended. From the pure springs of wisdom and of religion the lessons of the stage are drawn, and the severe form of duty clothed with a thousand attractions."

From these passages it will readily appear, that Schiller's views were taken from too high a point to coincide with those of most of the persons with whom he was called on to co-operate; and he found it impossible practically to follow out the principles which had appeared so satisfactory in theory, for the improvement of the stage and the elevation of its professors.

It is beside our present purpose to consider how far such a reform might be practicable, but it may be safely asserted at all events, that the necessary conditions to such a reform have never yet been combined in any one instance. Schiller experienced the two-fold mortification of failing in his endeavours, and of involving himself in perpetual quarrels and misunderstandings with those in whose cause he had ventured to incur so much censure.

He could not, however, breathe in that element of daily strife, in which it appears persons connected with theatres must almost always be condemned to fritter away their existence, and he again resolved to have recourse to some other profession that might better reward his talents and industry. He therefore resigned his appointment at the Mann-

heim theatre, and after much hesitation decided, from some unexplained motive, that the law afforded him the best prospect of temporal advancement. With his habits of application and natural endowments, he could, he thought, attain in a short period, an amount of knowledge which to ordinary capacities would require the labour of years, and an honourable appointment at some German court would in due time leave him at leisure to cultivate poetry merely for the delight it afforded.

Amidst these airy prospects he passed the last night of his stay at Mannheim, in the company of his ever-faithful friend and comrade the musician Streicher; and so firm appeared then the fantastic edifice of his hopes, that when they grasped each other's hands at parting, they agreed not even to write to each other again till Schiller should be a *minister* and Streicher *Kapellmeister*.

The necessity of daily labour for daily bread hindered the execution of this and other projects which Schiller from time to time formed for obtaining a firmer footing in the world than literature generally affords; but it never for a moment tempted him to be unfaithful to his high calling, to look on it merely in the light of a trade, or to prostitute his pen to any mean or trivial purpose.

With the production of *Don Carlos*, first published in the *Thalia*, without any view to the stage, the first period of Schiller's intellectual life may be considered completed.

"As in this cosmopolitical drama his moral convictions had attained their most complete development, his poetical faculty, nourished wholly by his moral and political opinions, became for the time exhausted, and the speculative principle of his mind seized the reins. The second—the historic-philosophical period—commenced; in which he looked round him on the actual world, and sought to obtain scientifically a satisfactory solution of the problems of real life, until at length, in the third period, he could return with clear understanding and matured powers to the cultivation of poetry as the highest art. The *Philosophical Letters*, the *Ghost-Seer*, and some historical sketches, which he undertook immediately after *Don Carlos*, belong, as forerunners and preparatory studies, to his histories and philosophical treatises. We may place in the autumn of 1786, the boundary of the first period in which Schiller moved entirely within the sphere of the poetical moralist. From the appearance of the *Philosophical Letters*, the poetical interest begins to give way to the scientific, and we perceive that we are entering the territories of another lord. One common idea of resistance to the existing order of things may be traced, variously modified, through

the *Robbers*, *Fiesko*, and *Kabale und Liebe*. *Don Carlos* has the same tendency, and can by no means be separated from its predecessors, or placed in another period. In them the old was torn down and cleared away, in this the new edifice of human society was erected. There was a struggle against existing circumstances, here a struggle for certain ideas. The three first have therefore a negative and polemic, the fourth a positive, affirmative, character. Those are revolutionary, these constitutive, but all written equally under ethic prepossession. What he will *not*, the poet has in many ways with a bleeding heart declared, and then thrown together in one great picture with free inspiration all that he *will*. This difference of character of *Don Carlos* from its predecessors, and the different frame of mind in which it was composed, occasion an infinite difference in the impression they produce on the reader. The three first dramas are heartrending, and in spite of their moral effects, leave behind a painful feeling. *Don Carlos*, on the contrary, enchants us into a higher order of things—into an earthly paradise of social freedom and brotherly love, the presentation of which has always an ennobling and beneficent effect, even when to the calculations of the understanding such a happy and rational state of human society should appear only a beautiful dream. * * * *

“Schiller had intended, as we have seen, to have written a second part to the *Robbers*, in which the discords of the first should have been harmoniously solved; but according to the idea involved in it, *Don Carlos* is in fact this second part. The world, which in the *Robbers* was scattered into fragments, was in *Don Carlos* again built up on an ideal foundation. Schiller could not have written any other piece of the character of *Don Carlos* without repeating himself, for the circle was closed—the highest object attained. We shall see that he subsequently abandoned this ethic-political point of view, and found a new principle—that of destiny—for the construction of his *Wallenstein*.”—*Hoffmeister*.

In Leipzig and Dresden, where he successively resided after leaving Mannheim, his gradually increasing poetical reputation had gained him some friends, and a wide circle of flatterers. His life flowed gaily along in the pleasurable excitement of perpetually varied intercourse with artists and men of learning, statesmen and women of refinement, and intellectual cultivation; surrounded by the treasures of art and science, and by luxuries and elegancies to which he had hitherto been a stranger.

The circle of seeming happy mortals into which the worn and tempest-beaten man now found himself admitted as a member, might well lull him with a feeling of security, and the delusive hope, that he had already reached the haven of prosperous fortune; an expectation increased to confidence,

by the hopes thoughtlessly raised in his mind by the promises and professions of some of his admirers. The joyous buoyancy of spirits thus created, poured itself as usual into song, and brought forth the *Lied an die Freude*,—"that immortal ode, that seeks to embrace in its giant wings all spirits and all worlds,—was composed for the little circle of friends in which Schiller now found himself so happily placed. It is the exulting salutation of the rosy morning, after a long night."

The rough and toilsome path Schiller had hitherto travelled, had not, however, tended to fit him for this idle dance of life. The natural earnestness of his character, deepened by early struggles and difficulties, could not rest satisfied with the light and thoughtless pleasures of the multitude,—nor the mind that would probe the inmost nature, and explore the highest relations of things, rest in the frivolities of conventional life.

He drank too eagerly the sparkling cup of social pleasure, and paid the price at which it is often purchased, by persons of ardent imagination and profound sensibility; of whom it may be said, that they play the game of the world at a disadvantage, flinging down gold, while their adversaries stake only counters.

Schiller fled from Dresden, to escape from the enthrallments of an all-absorbing passion for a worthless object, and plunged again into an element more congenial to his nature, the pure stream of poetry which has been often resorted to, to allay the fever and irritation of the world. Weimar, celebrated under the administration of the Duchess Amelia, as the classic ground of Germany,—the centre and focus of intellectual culture,—and the point of union for the most distinguished literary men of their age and country—Herder, Wieland, and Goethe, whose names had long shone as stars before the eyes of the young poet, offered the greatest possible attractions; while his own reputation was now sufficiently established to insure him a favourable reception.

At the moment of his arrival, however, the brilliant circle was deprived of two of its luminaries. Goethe was absent in Italy, and the Duchess Amelia preparing to go thither. He therefore continued for some time the life of a solitary student, supporting himself with the strictest frugality on his scanty means. Whilst his works were every where sought for with eagerness, and his name uttered with enthusiastic admiration by tens of thousands, he could scarcely

earn a scanty subsistence by his most strenuous exertions, and was frequently on the very brink of destitution. To him, however, the service of literature was a worship, not a trade. He found ample compensation for all external privation, in the new springs of spiritual life that were opened to him at Weimar, in communion with the most gifted spirits of the age, in the new impulse to study it afforded, and in the delight that wisdom never fails to bestow on those who seek her, for her own sake.

The nearest approach Schiller could ever make towards subjecting his Pegasus to the yoke of worldly necessity, was his acceptance of the Professorship of History at the University of Jena; which was obtained for him partly by the influence of Goethe, and some other friends; but, chiefly by the success of several historical productions,—especially of his recently published splendid fragment,—*the History of the Revolt of the Netherlands*.

Notwithstanding his earnest desire to obtain a more permanent social position, he assumed the academical chair with great reluctance, on account of the insufficiency of his historical attainments. The necessity of resigning for a long period, the freedom of mind which he regarded as the highest good, and forcibly directing his attention exclusively to subjects connected with his office, often foreign to the tendencies of his mental growth, was in itself discouraging; and the fear of finding himself incapable of worthily fulfilling the duties he had undertaken, still more so.

"I have, myself, taken no step in this business," he writes, "and now that it is too late, I would fain draw back. The years of happy independence of which I dreamed, are not destined for me it seems. I must renounce all thought of any other study, and be content to toil in the midst of thousands of heartless and soulless old papers. How absurd shall I appear to myself in this new position! Many a student will know more of history than the Professor, but I must console myself like Sancho in his government, 'when God gives a place, He gives understanding to fill it—and if I but once get the Island, no doubt I shall know how to govern it.'"

He considered that he had only broken ground on the historic field, on his way to what lay beyond, never regarding it as an ultimate object; but only seeking in it for the materials of poetry, or for the solution of such philosophical questions as from time to time occurred. Even this slight and hasty culture, had indeed produced some brilliant blossoms; but

Schiller was conscious that he could never reap the full harvest without a more laborious and patient cultivation. He had too much original activity and ardour of mind, to submit without much difficulty to the long, and often tedious investigation of an infinite number of minute particulars, in which the study of history from original sources essentially consists. Some great event—some heroic character seizes on his imagination, and all that is subordinate groups itself around, as in an epic, or a grand historical picture, in which effect is to be studied, rather than strict and painful accuracy. His descriptions are rhetorical and pathetic more than instructive; the reader rises only half-informed as to the fact, though glowing with the warmest sympathy for all that is noble and beautiful. Things are seen through the gorgeous colouring of poetical oratory, rather than shown by the clear common daylight of simple truth. His high sense of justice, and of the sacred duty of impartiality, preserved him, however, from any danger of misleading his pupils; and we are by no means sure, that where the sources of information lie open to the student, such a teacher may not have rendered far higher service, than the instilment of any amount of positive historical knowledge could have done.

“Schiller was not yet thirty years old when he assumed the professional chair at Jena, in the beginning of May 1789. For centuries Jena had been counted among the celebrated and frequented universities of Germany, and nowhere else could so great a variety of manners and dress, or of scientific and moral culture be met with. The most violent contrasts were continually presenting themselves, and as long as the regulations of society were not willfully trampled underfoot, it was permitted to every one to do in all respects as it seemed good to him. From the coarsest and rudest manners, to the most fastidious refinements of a great city; from the narrowest limits of the pedant and the schoolman, to the widest, most enlightened, and comprehensive views of the statesman and man of the world—every form of life found its representative at Jena. From Reinhold, Schüz, Paulus, Griesbach, and other distinguished men, Schiller could count on a friendly reception—and he might expect to find amongst the students as many respectful and devoted admirers, as the university numbered of promising young men. He who is still the favourite of the entire youth of Germany was then their idol.

“He opened his course of lectures, and was received with a more enthusiastic greeting than perhaps any other teacher had ever met with. Nearly four hundred students attended them, and how favourable an influence his character exercised over the deportment

of the students, appeared in his first reception. It had been the rude custom to salute the professor at the commencement and termination of his lectures by a general stamping of feet, which passed for a signal of approbation—the more violent the uproar the greater the honour. Had anything occurred at which the students chose to take offence, the noise was varied by a universal scraping. The feeling of respect for Schiller was, however, so great, that though the hall was filled to overflowing, this coarse expression of feeling was abandoned, and the most profound and respectful silence prevailed,—a remarkable instance of the power of the good and the beautiful over youthful minds—where the mere appearance of a noble personality could banish the low and vulgar, as well as of the inestimable worth of a teacher, whose bare presence sufficed to recal the students to a sense of the dignity of human nature.”—*Hoffmeister*.

His situation at Jena proved infinitely more agreeable than had been anticipated; indeed, on the whole, happier than it had ever been. The tranquillizing consciousness of having at length found an abiding place in the world, and a sphere of useful activity, afforded a satisfaction hitherto never experienced. “It gives me great pleasure,” he writes, “to feel that I am now more closely connected with the world around me, and that I form a part of a great whole. Every visit from the young people, or from the other professors, renews for me this pleasant thought.”

To the links that thus agreeably connected him with society, were soon added the closer, stronger ties of domestic affection. In February 1790, Schiller was united to Charlotte von Lengefeld, a lady who had the good fortune to receive her early education from an affectionate father, and who was in many respects well qualified to sympathise in his intellectual pursuits. The birth of children opened fresh sources of happiness; and his days flowed on in a clear and smooth current, darkened only by the fears and anxieties inseparable from a feeble and tottering state of health.

Within the first two years succeeding his marriage, he was attacked by so severe an illness, that his life was declared to be endangered by his close application to literary pursuits to which his narrow circumstances compelled him; and it is probable that his family and his country are indebted, for the succeeding eleven years during which he was spared to them, to the generous and considerate kindness of two noble admirers of his genius, the Duke of Holstein Augustenburg and the Count von Schimmelman. A pension for a period of three years, proffered in the most delicate and respectful

manner, and accepted with noble frankness and gratitude, enabled Schiller to enjoy a period of most necessary repose.

From this time the life of Schiller may be sought for almost wholly in his works; for whilst in his youth, external circumstances were powerfully influential in moulding the moral and intellectual character of his mind; in the latter period of his life, his *mind* may be said to have taken the initiative, and outward events to have followed the course of his mental progress. He died at the age of forty-six, a period of life at which many authors have scarcely begun their career.

It would be impossible, within our limits, to follow Dr. Hoffmeister in his critical and elaborate examination of those productions, that reflect so powerfully the course of Schiller's spiritual development; but there is one epoch too remarkable in itself, and too important in its results, to be wholly passed over. We allude to his study of Greek literature, and the effects that it produced on his subsequent writings. It had been, perhaps, his good fortune to have escaped in his school-days, that forced familiarity with the "letter that killeth," to which so many persons owe their ignorance of the life-giving spirit of those wonderful writers. At the period of his arrival at Weimar, he had attained, in the course of his varied mental culture, that point where the study of the ancients became essential to his further progress: and the insight which he obtained into the social life and character of the antique world, and especially of that of Greece, and the wonderful advances made by that people in many departments of intellect, led to the investigation of those complex questions concerning the sense of the beautiful in the human soul, and its high import in the education of the race, to which we owe his profound and philosophical treatises on æsthetic subjects,—of all the riches he has left us, those which we in England, assuredly, could least spare, since in no branch of our literature can we so little bear a comparison with that of Germany. No subject of complaint has been more common among us than that of a deficiency of public taste, yet few attempts have been made to remedy the deficiencies of knowledge in which it originates. Few, we apprehend, will be inclined to dispute that the intellect of our country is equal to the highest demands that can be made on it; and very little observation will convince us that a love of art,—that is a capacity of receiving pleasure from its productions,—is general enough. But this taste is seldom made the object of any attention or culture; and is regarded only as the means of momentary and trivial gratification, instead of

being eagerly seized on, as the clue to high moral and intellectual development. We shall be told, perhaps, that critics do not make poets, or artists, or musicians; that the age of fertile production precedes that of criticism, which does but come lamely limping on, after genius has already won the race: but the source of this common error may perhaps be found in a misapprehension of the nature and office of criticism, which consists, not in laying down rules for the production of works of art, but in discovering, by analysis and observation, in what true excellence consists, and in producing such an enlightened state of public taste as may afford to the genuine artist the only encouragement he ever wants—a general appreciation of his efforts.

To all who are interested in these subjects, and who are aware of their intimate connexion with national and individual welfare, (more especially in a country like our own, where political and commercial interests have a tendency to absorb all mental activity), we earnestly recommend the study of these writings in their original language. They will be found to open a rich mine, where our "Theories of the Sublime and Beautiful," "Essays on Taste," &c., do but scratch the surface of the ground. They are the fruits of the ripest maturity of Schiller's powers, in the department in which, after all, we cannot help thinking his great strength lay, and contain a well arranged and closely connected system of æsthetic philosophy, derived from the inmost nature of man; whilst they present, at the same time, a perfect and most interesting history of the progress of a mind of the highest order, from the period when the awakening tendency to speculation had destroyed the poetry of mere passion and impulse, to that in which, the cycle being completed, the thinker finds himself again on the territories of poetry of an infinitely higher and more perfect order. The same course, perhaps, has been consciously or unconsciously, run by individuals or nations, which have attained a high point of cultivation.

"The manuscript that you have sent me," writes Goethe to the author of the Essays, "I read with the greatest delight. I swallowed it at one draught. As a precious drink congenial to our nature already gives on the tongue indications of its salutary effects on the nervous system, so were these letters (*Briefe über die Aesthetische Erziehung des Menschen*) agreeable and beneficent in their effects. How should it be otherwise, when I found what I had so long recognized as

true—what I had so long praised or wished to praise, presented to me in so connected and noble a manner. I read them the first time as a contemplative man, and found in them much—I may almost say the most entire agreement with my own way of thinking,—and then took them up in a practical sense, to see whether they contained any thing that could lead me from the right path in action. Even here I found myself strengthened and encouraged.” The remarks with which Schiller introduced these letters when they were first published in the *Horen*, may serve equally well to point out their applicability to the wants of our own time.

He considers that the spirit of the age does not appear favourable to investigations relating to the beautiful and to art, in a high sense,—for the world is governed by material utility, and the interest of the great political questions of the day leaves room for no other.

“It may happen, however, that these subjects are less foreign to the necessities than to the taste of the age. A passage is to be sought from the dominion of mere force, to that of the laws of reason, by bringing the impulses—the feelings—the living strength of the character to harmonise with them. Such a harmonious culture was seen among the Greeks; but for us moderns, in place of this totality of genuine humane cultivation, has entered an antagonism of spiritual powers. The peculiar character of modern civilisation, and the artificial splitting up of our faculties into different occupations and professions, has promoted their irregular and inharmonious growth, and even brought them into collision,—a course by which the species has indeed gained; but the individual lost. To reconcile these contradictions—to restore this totality, there is but one way. Our living impulses must be ennobled by beauty—our sensibilities cultivated by art.

“When the mechanist wishes to improve the action of a clock, he allows the wheels to run down,—but the living clock-work of the state must be amended while it strikes, and the rolling wheel changed even during its revolutions. Some support must, therefore, be sought that may ensure the continuance of society when we wish to withdraw that of the natural state.

“This support cannot be found in the merely *natural* character of the human race,—which, violent and selfish, tends rather to the destruction than to the maintenance of society; nor can it be found in the moral character; which, according to the proposition, is still to be formed, and on which precisely, because it is free, the legislator can never reckon.

“In the establishment of the rational state, we must count on the moral law as on working power; and the free will must be taken into the great chain of cause and effect, in which every link depends

by the strictest necessity on the other. If, however, we are to count on the moral sense as on a natural cause, it must have first become nature, and we must be led by impulse into such a line of conduct as can only result in a moral character.

"The will of man, however, stands perfectly free between duty and inclination, and with this prerogative can and ought no physical obligation to interfere. Shall he then retain this free power of choice, and shall we yet be able confidently to reckon on his moral sense as on an efficient cause? This can only be when the operation of both these springs of action shall perfectly coincide."—*Briefe über die ästhetische Erziehung*.

That Schiller has counted too much on art as a means to the high end here proposed, will appear evident to most of our readers; as well as that it would attain this end only by a union with the greater light of faith, so strangely invisible to poor Schiller, lying, as he did, under the shadow of the great moral eclipse that darkened over the past century. That it would have passed away, had his life been extended to any considerable length, is more than probable. As the voice of his earliest youth had prophetically forewarned of the evil time to come—that of his age would have heralded the dawn of a better day. The loftiest summits are the first to be enveloped in clouds and tempests, but they are also the first to reflect the beams of the morning light.

ART. VIII.—*A History of the Italian Republics*. By J. C. L. de Sismondi. London: 1832.

IN the unceasing revolution of time, it is not surprising that persons and events that have been rudely crushed beneath its wheel, should after a while return to light and honour. And it may afford some consolation to observe, that those names which have been subject to this depression and obscurity, when once restored to their proper place, do not incur much danger of losing it again. In no matter or part of history is this more true, than in the history of the Roman Pontiffs. The sense of justice which characterises the present age will be proved to later times by its decisions regarding them, better than by any other historical judgments which it has pronounced and recorded. It is not many years since the condemnation of the entire line of apostolical succession in the Roman See, was a matter of course in every

Protestant work, theological, historical, philosophical, or moral, which directly or indirectly could bring it within its scope. There were no exceptions. The whole series was condensed into a single individuality, which under the name of "the papacy," was stigmatised with everything that was infamous, and anathematised with everything that was execrable. Like to the tyrant's wish, that the Roman people had only one neck, that so he might enjoy the concentrated zest of cruelty in smiting it, was the purpose of Protestant assailants, who truly gave unity to the idea of the headship of the Church, that so they might strike it at a single blow. At length the dark mass of error and calumny, accumulated through ages, broke, and admitted the light. First, partial exceptions began to be made, certain popes were culled out from the number involved in wholesale condemnation: one was praised as an encourager of learning; another as an advocate of ecclesiastical liberty; and so by degrees, till a long succession of pontiffs received the tardy justice of an historical vindication. The progress from *Roscoe's Life of Leo the Tenth*, through Voight, Hurter, and Hock, to Ranke, is a literary fact too recent and too often described in these pages, to need more than a passing allusion.

Were we called on to assign a cause for this change in the feelings and direction of historians, we should be inclined to attribute much to the noble character of several recent pontiffs, whose lives broke down much prejudice against their order; not because they were better or wiser than their predecessors, but because the guidance of divine Providence brought forward their characters more prominently before the face of Europe, than theirs who had preceded them. Benedict XIV was a man of higher attainments, and of no less virtue than the sixth or seventh Pius. There is no doubt that had he, or any other pope of the last century, been placed in *their* trying circumstances, he would have exhibited equal firmness, resignation, and Christian heroism. Opportunity was not allowed to him, as it was to them, and he therefore remains known by his works rather than by his deeds; the delight of the theologian, the oracle of the bishop, the admiration of the learned; but comparatively without a place or name in history. The noble-hearted Braschi, and the meek Chiaramonti were cast into ruder times; the fate of older pontiffs was allotted them. The former had to renew the ancient contest between the supremacy and the empire; not, as formerly, with the open and avowed hostility of feudal rivalry, but in the field, more slippery and less glorious, of

diplomatic contention. That legislative tyrant Joseph II, knew how to injure the Church and its liberties better than Henry II. But it only afforded an opportunity for the display of a new class of virtues, in that see which had ever been fruitful in their production. The same pope found himself involved in a contest with a republic, unlike indeed the republics of ancient Italy, in which a rooted attachment to the Catholic religion was never destroyed by temporary hostility, but with one which assailed him in rampant infidelity; which aimed at the desecration of what was holy, through hatred of holiness. Every new aggression of this destructive power, justly deemed the public enemy, was matter of interest to Europe; and the wanton treatment of a venerable pontiff, whose unsullied life, amiable manners and grey hairs claimed universal esteem and reverence, could not fail to conciliate sympathy towards the sufferer, mingled with execration of his oppressors. Pius VI died, like Gregory VII, in exile. His successor had to continue the struggle, under a more violent but not less crafty form; he was at times almost circumvented by the wiles of his imperial enemy, at times almost beaten down by hardships and insult; but the spirit of his race triumphed equally over both; the meek courage of the pontiff was a full match for the power of the modern Attila; his upright humility baffled the policy of his oppressors. It was the captive dove, keeping at bay, and foiling, at once the falcon and the serpent.

We think that we may truly repeat, that down to this time, a majority of Protestants had never attached any idea of individuality to the name of Pope. Their notion seemed to be that of an entity perpetuated under a variety of indefinite names, through generation after generation, (Clements, Innocents, and Benedicts succeeding each other, no one knew how),* living in almost inaccessible grandeur in a terrible place called the Vatican, round which perpetual thunders growled to keep off all intruders; approached only with genuflexions, prostrations, and almost worship; ever enthroned, and with a triple crown upon its head, occupied all day in mysterious conclave with scarlet wide-hatted cardinals, upon bulls, indulgences and excommunications. We will not add the grosser fictions of popular bigotry,—but we believe, that

* It was a common and often-repeated question of his late majesty William IV, to such Catholics as approached him, "Pray what is the name of the *present* pope?"

many well-informed persons did a few years ago entertain, and that perhaps some very respectable ones do as yet entertain, an idea as definite, as sensible, and as liberal of the Pope,—be he who he may—as we have described. But when Pius VII, stripped of all outward ornaments, torn from his own dominions, an exile and a prisoner, became known to Europe, his personal character, so pure, so holy, yet so noble and magnanimous; so unbending yet so forgiving; so lofty yet so mild,* softened the hearts of many, if it did not turn them, and made them begin to distinguish in their minds, the man from the dignity which he adorned, and to know that popes have characters and virtues, and Christian perfection, even beyond most other men.

We do not think that we are wrong in this speculation, that an interest was excited in the public mind, a power of individualizing generated, regarding the papal authority and its possessors, of a different character from what before was common, by the events to which we have cursorily alluded. We believe that many were led to compare the certain virtues of these later pontiffs with the conduct of their predecessors under similar circumstances, and that the selection made of Gregory VII, Sylvester II, and Innocent III, as subjects of special biography and high commendation by Protestant historians, may be attributed, at least in part, to the renewal in later times of the contest between imperial and papal power, the *regale et pontificale*, and to the attention thus directed towards similar struggles in a former period. Catholics have been grateful, obsequiously grateful, for this slow-footed, lagging justice towards their ancient ecclesiastical heroes. Nay, it has been but a lame justice after all, and yet has it been humbly acknowledged. The loftiest, truest view of the character and conduct of the popes has often been overlooked; the divine instinct which animated them, the immortal destiny allotted to them, the heavenly cause confided to them, the superhuman aid which strengthened them, could not be appreciated but by a Catholic mind, and are too generally excluded from Protestant historians, or are transformed into corresponding human capacities, or policies, or energies, or virtues. Then, there are few of the vindicators of these ancient popes who do not contrive to give a

* When Pius VII was in prison, a nobleman was once sent by the emperor to ask him if there was anything he wanted: "Nothing," replied the pontiff, "except a needle to darn my cassock with."

savour, to their writings, of the olden leaven,—some acrid or bitter relish, in the form of strong protestations, or harsh declarations against popery, which set one's teeth on edge, when feasting upon the treat afforded us by our new friends. The fault we know is ours; the vindication of our fathers in the spirit should have come from us; it should not have been left to the condescension of adversaries. As it is, we will accept it, not without humiliation; but we will not bow our back to any blows they may think proper to inflict.

We have already enumerated the ancient pontiffs, who in late years have found vindicators among Protestants. There is one upon whom none has yet taken compassion, whom none has attempted to rescue from the mass of general reprobation. Boniface VIII, to whom we allude, has scarcely ever found a good word, even among modern Catholic writers; he is generally reckoned among the *wicked* popes; he is represented as ambitious, haughty, tyrannical, unforgiving, and unrelenting, and at the same time as cunning, deceitful, treacherous, and base. There is not an action of his pontificate, from his accession to his death, that has not been censured as the result of a crime, or as inspired by some unworthy motive. Now, when we consider how he was one of those pontiffs who particularly stood up for the prerogatives of his see, against the rival power of princes, that almost all the charges against him arise from political contests, and that at his death he left his enemies triumphant, and with all the power to injure his memory in their hands, we may naturally be inclined to believe, that the obloquy which yet remains upon his memory is of the same character as that which has been successfully wiped off from the names of other pontiffs, by the industry of modern writers.

In fact, the injurious attacks upon this pontiff commenced during his life, and have been repeated in every age till the present. We will not speak of the infamous libels drawn up in France by William of Nogaret, his capital enemy, and by others who had felt the weight of his pontifical severity. But unfortunately others, whom political feelings arrayed habitually in hostility to the ecclesiastical power, whenever it came in conflict with the secular, helped to invent or to propagate false or exaggerated views of his proceedings, and of his character. In one respect, Boniface was indeed unfortunate, in having the poets among his enemies. Fra Jacopone da Todi, whose virtues on the other hand gained the veneration of his contemporaries, has poured out all the bitterness of his

nervous satire upon him. But still more, the author of the *Divina Commedia* has contributed to render the memory of this pontiff most unjustly hateful. The Ghibelline poet could not think of sparing so decided a Guelph. Hence he scruples not to call him "the prince of modern pharisees,"* and the "high-priest whom evil take."† St. Peter is made to call him an usurper, and to charge him with bloodshed and crime;‡ and a place is represented as prepared for him among those condemned to hell for simony.§ We need hardly mention Protestant Church historians, such as the Centuriators or Mosheim, or many civil historians, like Gibbon, Hallam, and Sismondi, who vie with each other in repeating the same tales concerning this great pontiff, copying one another, without taking the trouble to verify the statements, or to weigh the judgments of those who have preceded them. Of these neglects we shall see some specimens in the course of our present inquiry.

Accustomed as we had been to read and hear so much to the disadvantage of this pope, we naturally required some cause, however slight, to turn our attention towards a more particular examination of such grievous charges. The pencil of Giotto must claim the merit, such as it is. The portrait of this pope by him, in the Lateran Basilica, so different in character from the representations of modern history, awakened in our minds a peculiar interest regarding him, and led us to the examination of several popular assertions affecting his moral and ecclesiastical conduct. He soon appeared to us in a new light; as a pontiff who began his reign with most glorious promise, and closed it amidst sad calamities; who devoted, through it all, the energies of a great mind, cultivated by profound learning, and matured by long experience in the most delicate ecclesiastical affairs, to the attainment of a truly noble end; and who throughout his career displayed many great virtues, and could plead in extenuation of his faults the convulsed state of public affairs, the rudeness of his times, and the faithless, violent character of many among those with whom he had to deal. These circumstances, working upon a mind naturally upright and inflexible, led to a sternness of manner and a severity of conduct, which, when viewed through the feelings of modern

* "Lo principe dei nuovi farisei."—Inf. xxvii. 85.

† "Il gran prete a cui mal prenda."—Ib. 68.

‡ "Quagli che usurpa in terra il luogo mio,

Il luogo mio, il luogo mio che vaca."—Parad. xxvii. 22.

§ Inf. xix. 52.

times, may appear extreme, and almost unjustifiable. But after studying the conduct of this great pope, after searching through the pages of his most hostile historians, we are satisfied that this is the only point on which even a plausible charge can be brought against him; a charge which has been much exaggerated, and which the considerations just enumerated must sufficiently repel, or in great part extenuate.

To give an idea of the summary manner in which Boniface is dealt with, we will quote the account of him given in the little manual at the head of our article.

"After Nicholas IV, a poor hermit, humble, timid, and ignorant, was raised, in 1294, to the chair of St. Peter, under the name of Celestine V. His election was the effect of a sudden burst of religious enthusiasm, which seized the College of Cardinals; although this holy senate had never before shown themselves more ready to consult religion than policy. Celestine V maintained himself only a few months on the throne; all his sanctity could not serve as an excuse for his incapacity; and the Cardinal Benedict Cajetan, who persuaded him to abdicate, was elected pope in his place, under the name of Boniface VIII. Boniface, able, expert, intriguing, and unscrupulous, would have restored the authority of the holy see, which, during the latter pontificates, had been continually sinking, if the violence of his character, his ungovernable pride, and his transports of passion, had not continually thwarted his policy. He endeavoured at first to augment the power of the Guelphs by the aid of France; he afterwards engaged in a violent quarrel with the family of Colonna, whom he would willingly have exterminated; and finally, taking offence against Philip le Bel, he treated him with as much haughtiness, as if he had been the lowest of his vassals. Insulted, and even arrested, by the French prince, in his palace of Anagni, on the 7th of September, 1303, Boniface died a few weeks afterwards of rage and humiliation."—p. 106.

This is only an abridgment of what Sismondi has written in his larger *History of the Italian Republics*; and consequently to this work we will look for the manner in which this character is supposed to be formed. Considering the immense number of authors, contemporary or nearly so, who have related the actions of this pope, considering still more the valuable authentic documents belonging to his reign, which have been published in different works, it cannot be for want of materials that an erroneous estimate is come to. It is undoubtedly true that among the former class of evidence, there is directly conflicting testimony to be found. But then the lowest degree of candour which we have a right to exact from a historian, is information to that effect. We expect to be

told that there *is* a very different narrative of events from the one selected, and that it comes from authorities whose value has been scrupulously weighed. We desire to be directed to the place where these may be found and examined, that so we may form our own judgment on the matter. The historian who should give us Herodotus's account of Cyrus, and never allude to Xenophon's, would certainly be reproached for want of fairness towards his readers. It is moreover true, that some accounts come from the pen of decided friends and partizans of Boniface: but the others come from as decided enemies and hearty haters: and can it be just to take all that these assert, without once qualifying their narrative by reference to the other side? And is not this still more grievous when the adversaries profess to speak from hearsay or common rumour, and the friends were eyewitnesses and honest men? But what if there be impartial writers, who are as ready to speak against, as for, the conduct of the pope: ought not they at least to have been sometimes referred to?

Then, as to the second class of evidence,—documents of the times, official papers, decrees, or processes,—the omission of their use must surely be unpardonable in a historian, especially when they serve to clear up doubts, as to whether a favourable or an unfavourable view should be preferred, of characters or events. Yet we shall have occasion to see how sadly all these means of ascertaining the truth have been neglected or despised by our modern historians, and a one-sided view taken, upon evidence worse than doubtful, nay, certainly less than true.

I. The attacks upon Boniface's character commence with his very accession to the papacy. In order to understand how this is, it may be useful to premise a brief historical sketch.

Pope Nicholas IV died on Good-Friday, in the year 1292. There was considerable difference among the cardinals in conclave, which led to a vacancy of the apostolic see, of two years and three months. At the end of this period, all singularly agreed in the nomination and election of a saintly hermit living in the wilds of the Abruzzi, of the name of Peter, whose surname is variously given by contemporary writers as *Murro*, *De Murrone*, *De Morone*, or *Morono*. His election took place at Perugia, on the 7th of June, 1294. His reign was of short duration. Instead of at once going to Rome, he wrote to the cardinals that, on account of the summer heat, he was unequal to a long journey, and having made his

solemn entry into Aquila, he proceeded to Naples. There, after a few months, he resigned the papacy, on the feast of St. Lucy, December 13, and was on Christmas eve succeeded by Cardinal Benedict, of the Gaetani or Cajetani family, who took the name of Boniface VIII. This is the subject of our present enquiry.

His enemies do not wait to see him quietly seated in the chair of St. Peter, before they begin their assaults upon his character. The resignation of Celestine is attributed to his arts; and the means supposed to have been taken by him to secure his own elevation, are represented as most base. Mosheim takes the first point quite for granted. "Hence it was," he writes, "that several of the cardinals, and particularly Benedict Cajetan, advised him to abdicate the papacy which he had accepted with such reluctance; and they had the pleasure of seeing their advice followed with the utmost docility."* But Sismondi enters more fully into details, and gives implicit credit to all that Boniface's bitterest enemies ever asserted upon the subject. The following is his account of the conduct of the cardinal during the brief pontificate of Celestine. "Il y en avait un parmi eux" (the Cardinals), "Benoît Caietan d'Anagni, qui avait soin d'exciter leurs murmures, et d'accroître à leurs yeux le danger que courait la Chrétienté. Cet homme n'avait point d'égaux en adresse et en dissimulation: il avait su, en même temps, flatter les cardinaux, qui le regardaient comme le soutien des prérogatives de leur collège, et dominer l'esprit de Célestin, qui n'agissait que d'après ses instructions, et qui peut-être n'avait commis tant de fautes que parceque son perfide directeur voulait le rendre odieux et ridicule." After stating that the cardinal offered his services to Charles II of Naples, if he would procure him the papacy, our author thus continues: "Ensuite il ne s'occupe plus que du soin de persuader à Célestin d'abdiquer une dignité pour laquelle il n'était pas fait. Quelques-uns assurent qu'avec un portevoix, il lui en fit descendre l'ordre comme du ciel. Indépendamment de cette ruse, il avait mille moyens encore de déterminer cet homme simple et timide, dont il alarma la conscience."*

For all this detailed account the historian quotes no authority; but simply refers for the story of the speaking-trumpet

* Ecclesiast. Hist. vol. ii. (1826) p. 367.

† Histoire des Républiques Italiennes du Moyen Age. tom. iv. cap. xxiv. p. 81.

to Ferrettus Vicentinus, the most violent assailer, on every occasion, of the pope's character. The expression, "*some assert*," with which this fable is introduced by Sismondi, and the reference in the note to Ferrettus, would lead one naturally to suppose that he, among other historians, vouches for the fact. The present tense indicates existing historians. Yet it is not so: that writer himself only gives it as a report; "*ferunt etiam*." Any historian ought to have been ashamed to put such a charge, in such a manner, upon such evidence. But this is not the worst. Not only do all the sound evidences of contemporary history contradict this paltry story, but the entire history of Celestine's abdication in Ferretti is so grossly at variance with every other document, and so plainly untenable, that with the exception of it, and the abusive insinuations against Boniface's character, Sismondi has not ventured to follow him here, as elsewhere we shall see he has done. Ferretti tells us, for instance, that Celestine suddenly and unexpectedly made his abjuration before the cardinals, and then ran away the same day to Apulia: whereas he was quietly at Naples, and did homage when Boniface was elected, ten days later. He then relates how Cardinal Benedict cajoled the cardinals and the king of Naples, and had himself appointed nominator of the new pope; and so elected himself. Sismondi without a word quietly rejects all this, and contents himself with saying, that he was chosen by the unanimous suffrages of all the cardinals. So much for the authority of Ferretti—at present—so much for the fairness of M. Sismondi, in referring to authorities. Of this, too, more anon.

The first question which may reasonably be asked, is, "did Cardinal Cajetan use any unfair arts to induce Pope Celestine to resign?" The second is; "if he used legitimate means was he not fully justified in doing so?" We premise that what Sismondi says regarding the pope's being purposely misled by Cardinal Benedict, is a pure conjecture or invention of his own. We proceed therefore to answer our queries.

We say, then, that the most accredited writers of the times do not warrant us to attribute the resignation to this cardinal, or at least to him more than others, or otherwise than as the organ of the general opinion. Ptolomæus Lucensis, the confessor of St. Thomas Aquinas, who exhibits no partiality for Boniface, gives the history as an eye-witness. He tells us, in general terms, that in consequence of the pope's conduct, the Sacred College suggested to him to resign, that so grievous an injury might be avoided. "*Hoc igitur percipientes quidam*

de collegio jam incipiunt quereleri, et Ecclesiæ fluctuationem attendere, ac etiam eidem pontifici insinuare sub prætextu suæ sanctitatis, quantum sibi periculum imminerebat.
 Vadens igitur illuc" (to Naples) "*multum stimulat ab aliquibus cardinalibus* quod papatui cedat, quia Ecclesia Romana sub ipso percilabatur, et sub eo confundebatur: quibus stimulis concitatur Sanctus Pater."* Again: "Hoc autem non obstante, *adhuc aliqui cardinales* mordaciter infestant, quod in periculum animæ suæ papatum detinebat, propter inconvenientia et mala, quæ sequebantur ex suo regimine."†

Another contemporary historian, and even eye-witness of the transactions of the papal court, James Cardinal of St. George in Velabro, known also by the name of Stephanesius, has left us a long poem, with a prose introduction, on the resignation of Celestine, and another on the coronation of Boniface. He tells us, in his introduction, that what he wrote he knew, had seen, and touched with his own hands: for he thus speaks of himself: "Scito, qui noscere desideras, hunc quidem [esse] qui ex veridica re, veluti præsens, videns, ministrans, palrans, et audiens, notusque pontifici (Cælestino) quin pontificibus carus, impactam compegit metrisque refudit historiam."‡ Moreover, the cardinal shows himself particularly attached to Celestine while living, and devout to him after death, as he composed the prayers and responsories for his office.§ His prose account of Celestine's resignation is very brief. It is as follows: "Against the will and dissuasions of some, and particularly of the brethren of his institute" (the Celestine monks founded by him), "and in spite of their opposition, so soon as he learnt that he might, he showed that he was willing to resign. For in the month of December, on the feast of St. Lucy, Virgin, when the report of his abdication had died away, he resigned the honours and burthens of the papacy into the hands of the Sacred College. This resignation, the senate of cardinals, astonished at so wonderful an event, received with great veneration, and shedding many

* Ptol. Luc. Hist. Eccles. ap. Murat, Rerum Italicarum Scriptores, tom. xi. lib. xxiv. c. 22, p. 1200.

† Ibid. cap. 23. Raynaldus, in his continuation of Baronius, quotes a passage from this chapter which does not occur in the published work. Muratori was its first editor. In this passage Cardinal Cajetan is mentioned by name. It is as follows: "Dominus Benedictus cum aliquibus Cardinalibus Cælestino persuadet ut officio cedat, quia propter suam simplicitatem, licet sanctus vir et vite magni foret exempli, sæpius diversis confundebatur ecclesiæ, in gratiis faciendis et in regimine orbis."

‡ R. I. S. tom. iii. p. 614.

§ P. 615. See the office, p. 668.

tears.* But in his poem he goes much more into particulars. He tells us, therefore, that Celestine, conscious of his own incapacity, and finding himself unable to retire, as he desired, into an artificial solitude in his palace, began seriously and with tears, to consider, whether he might not put an end to his anxieties, by retiring from the dignity which caused them. This, he tells us, he learnt from Celestine himself, after his resignation.† While meditating upon this scheme, he took up a little book, in which he used to find some instruction during his eremitical life, being, by the description, a collection of principles of canon law, adapted for religious men.‡ In this he found that a person holding office was at liberty, for just reasons, to resign it; and arguing upon these premises, concluded that he ought to enjoy the same right. One objection alone presented itself: every one else could resign into his superior's hands, but the pope had no superior. To solve this difficulty, he called in the advice of a friend.§ Perhaps this friend was Cardinal Cajetan; in fact this seems to us most probable. Now, he upon being interrogated, first objected to the pope's proposal, and attempted to dissuade him, against his own conviction of the expediency of abdication.|| He then added, that if there

* Ib. p. 616.

† Vitæ S. Cælestini V, lib. iii. cap. iii. p. 638.

"Cesserat angustum Regalis culminis aulæ
In latus, et meditans sibimet lacrymabilis inquit,
(*Ut nos viva Patris docuit vox.*)"

The author's own gloss adds: "Scilicet auctorem operis: nam oretenus sibi dixit quæ sequuntur, post cessionem tamen."

‡

"— Juris nonnulla docens, excepta labore

Arteve prudentum."—P. 638.

§ "Sed jubet acciri coram, cui fatur, amicum." The gloss: "Amicus ille quem Cælestinus consulebat."—Ibid.

||

"Ille tamen cautus mentem simulare cœgit:

Cur, Pater, his opus est? Quenam cunctatio curam

Ingerit? Optatis obsiste gravare quietem."—Ibid.

A critical vein has come over us, and, though perhaps the passage may not be thought sufficiently classical to deserve the trouble, we will e'en indulge in it. The verse immediately following these words is thus given by Muratori:—

"Hæc præter fundata, Pater, curanda per orbem."

The meaning of this is anything but clear. However, it happens that the third word is a conjectural emendation for *funda*, which, besides making no more sense than the substituted word, left the verse short of a syllable. But Rubeus (John Ross), in his "Bonifacius VIII," Rome, 1651, quotes the passage from another manuscript no doubt correctly. "*Hæc præterfienda Pater.*" Though the word is certainly not classical, it makes both sense and metre; and any one acquainted with the cursive character of that day, will easily understand how *fienda* could be turned into *funda*, and so suggest the necessity of Papebroke's emendation. But what are we to make of the rest of the line? Nothing, we fear, unless we take a liberty such as the editor has had to take with more than

was sufficient cause, he no doubt *could* resign his dignity. "That is enough," the holy pontiff replied; "of the sufficiency of the cause *I* am the proper judge." He then called another counsellor,* and received the same assurance. His mind was thus made up. Now, taking it for granted that the friend called in by Celestine was Cardinal Cajetan, how different is this narrative, by an eye-witness, from the statements of M. Sismondi and others! We learn that the pope was the first to think of resignation; and this fact our poet assures us he had from the pope's own mouth; and he relates the circumstance of the book, not mentioned by other historians,—one most natural, and unlike a mere invention. Then Cardinal Benedict is called in, and, instead of urging him forward, concealing his own thoughts (which we willingly grant were in favour of resignation), endeavours to dissuade him, but gives such information as confirms the mind of the pontiff; who, however, seeks further advice. Whatever, therefore, may have been the sentiments of Cardinal Cajetan, as to the propriety of the pope's resignation (which, we have no hesitation in saying, *ought* to have been in its favour), there is no appearance here of the base arts by which he is asserted to have originated the idea in Celestine's mind. And surely the statements of one who relates what he saw himself, or, where he speaks of another's motives and acts, what he heard from his mouth, deserved some notice at least—even if only to warn readers that there was such a narrative.

Another contemporary writer confirms one part of Cardinal James's account, that Benedict endeavoured to dissuade Celestine from resigning. Blessed Ægidius Colonna, the disciple of St. Thomas Aquinas, and the particular friend of Pope Celestine and of Philip of France, in his work *De Renuntiatione Papæ*, writes: "*comprobari posse ex pluribus nunc viventibus, Dominum Bonifacium Papam VIII, tunc in minoribus agentem, et Cardinalem tunc existentem persuasisse Domino Cælestino, quod non renuntiaret; quia suf-*

twenty places in the chapter. For the text of this poem is most corrupt. We propose, therefore, to read—

"Hæc præterfienda, Pater venerande per orbem."

The word which we amend would be written *venerande*, and in the close character of the age would easily be altered into the present reading.

* — "Vocat inde alium quo firmius esset
 Consilium. Firmabat idem. Gaudebat anhelus
 Presbyter altipotens, statuens in corde relatum."—p. 639.

ficiebat collegio, quod nomen suæ sanctitatis invocaretur super eos, et pluribus audientibus hoc factum fuit.*

If it be said, that so far we have only the testimony of friends, we may ask, in reply, is not the testimony of friends on the spot, at least as good as that of enemies at a distance? But we will remove this difficulty, by giving that of one who cannot be suspected of partiality for Boniface, and who yet had the most satisfactory means of information. We allude to the anonymous author of St. Celestine's life, preserved in MS. in the secret archives of the Vatican, to which a slight reference is made by Rubeus,† but which we have diligently transcribed, with reference to this matter. The title of the work ran thus: *Incipit de continua conversatione ejus (Celestini) quæ quidam suus scripsit devotus*. Throughout his work the author shows himself intimately acquainted with the movements and thoughts of Celestine, to such an extent, that we must suppose him to have been one of his intimate companions. He thus relates the circumstances of his resignation. "Adveniente vero quadragesima S. Martini papa ille sanctus decrevit solus manere et orationi vacare, feceratque sibi cellam ligneam intra cameram fieri, et cepit in eadem solus manere, sicut ante facere consueverat." This construction of a cell in the palace is mentioned by Cardinal Stephanesius,‡ Vegius,§ and other writers; the former of whom complains of Celestine's hiding himself in it from the duties of his station. His disciple thus proceeds: "Et sic eodem ibi permanente, cepit cogitare de onere quod portabat, et quo modo posset illud abjicere absque periculo et discrimine suæ animæ. Ad hos suos cogitatus advocavit unum sagacissimum atque probatissimum cardinalem tunc temporis Dominum Benedictum, qui ut hoc audivit gavisus est nimium, et respondit ei dicens quod posset libere, et dedit eidem exemplum aliquorum pontificum, qualiter olim renuntiaverunt. Hoc illo audito quod posset papatui libere, renuntiare, ita in hoc firmavit cor suum, quod nullus illum ab illo potuit removere." So far the individual friend and disciple of Celestine confirms all that we have learnt from other contemporary writers: first, that his resignation was not suggested even by Cardinal Benedict, still less procured by unworthy arts, but was the result of his own reflections; secondly, that Cardinal Benedict was called in by him as his counsellor, and *only* answered him with regard to his *right* to resign. The allusion,

* Cap. xxiii.

† Ubi. sup. p. 638.

‡ Bonif. VIII. p. 13.

§ Apud Rub. p. 11.

in the passage just quoted, to previous cases of resignation is explained by the constitution which he published on the subject,* and which his successor included in the sixth book of Decretals,† as well as by St. Antoninus, to refer to the supposed resignation of Pope Clement I in favour of St. Linus. Our biographer then proceeds to give the account of a procession which took place, upon a rumour of this intention of the pope getting abroad. Of this likewise we have an account from Cardinal Stephanesius, and another still more detailed from Ptolomæus Lucensis, who tells us that he was in it.‡ Many bishops and all the clergy, at the king's desire, he tells us, were there. Arrived at the Castel Nuovo, where the pope resided, "we called out," he continues, "in the usual form, for his blessing." The pope, out of respect for the procession, came to the window with three bishops. After the papal benediction, one of the bishops of the procession came forward, and in a loud trumpet-voice (*voce altissimâ et tubali*), so that all in the square heard him, entreated him not to resign. He replied, through one of his attendant bishops, that he would not do so, unless further reasons urged his conscience. Whereupon the bishop intoned the *Te Deum*, "in the name of the king and kingdom."§ After relating this event, Celestine's anonymous biographer thus continues: "Audiens et videns idem papa tantam pietatem omnium qui aderant, distulit illam voluntatem: sed a proposito concepto nunquam recessit, nec fletibus, nec clamoribus, nec etiam rogaminibus; sed conticuit ad tempus fere octo diebus, ut non molestaretur, et sic per istam sufferentiam omnes credebant illum ab ipso penituisse proposito. Sed infra octo dies,|| con-

* We will give the account of this constitution in the quaint phrase of Paolino di Piero, in his "Cronica," published by Muratori, R. J. S., tom. ii, p. 48.

† In quello anno quello Celestino Papa andò a Napoli: e daddovero egli era uomo molto santo e religioso e di buona vita, e lo Re Carlo li fere grande onore, e ricevette lo graziosamente. Questo feze una nuova Decretale di nuovo, che mai infino a lui non era essuta, che fece che ogni Papa d'allora innanzi potesse rinunziare il Papato per utilità dell' anima sua; e quando egli ebbe questo decreto fatto e fermo, ed approvato per li suoi Compagni . . . in presenza dei Cardinali si depuose il manto, e rinunziò la Signoria e 'l Papato, e fecene fare carta," &c.

‡ Cap. Quoniam. de Renunciat. Sanct. Antonin. ap. Raynald. ad an. 1295, tom. iv. p. 155, ed. Mansi.

§ "Quod cum perpensis Rex et Clerus, mandat fieri processionem a majori ecclesia usque ad Regis Castrum, cui processioni ego interfui."—H. E. ubi sup. p. 1201.

§ Ibid.

|| This again agrees with Ptolemy's account, that the procession took place about the feast of St. Nicholas, the 6th of December; the resignation took place on the 13th.

vocavit ad se istum quem prædiximus Cardinalem Dominum Benedictum, et fecit se doceri et scribi totam renuntiationem, qualiter et quo modo facere debebat.* Thus we have a perfect accordance between all persons on the spot, and persons who in two instances had the account from Celestine himself, completely at variance with that which Sismondi prefers.

But this true view of Celestine's resignation is further confirmed on every side. Even Villani does not suppose Boniface to have been the first to suggest it, but makes him come in, after Celestine has himself conceived the idea.† Nay, strange to say, Ferretti of Vicenza, Sismondi's best ally, agrees in this same view.‡ Amalric Augerius, a bitter foe to Boniface, does not hint at his having a hand in the resignation, but attributes it entirely to Celestine's own feelings.§ Other authorities will be given later, but there is one which we cannot forbear quoting. It is that of Petrarch, who may justly be placed as a set-off to the accusations of Dante. In his book, *De vita solitaria*, he censures the poet for attributing the resignation of St. Peter Celestine to baseness or cowardice; and proves at length the noble and sublime character of the act. He then proceeds: "I return to Celestine, whose joyful and spontaneous descent, showed how painful and unwilling his ascent had been. *I have heard persons who saw it, relate*, that he fled with such joy, bearing in his eyes and on his brow such marks of spiritual gladness, when he retired from the consistory—now restored to himself and free, that he seemed as though he had withdrawn, not merely his shoulder from a mild yoke, but his neck from the fatal axe; and that his countenance was radiant with an angelic brightness."||

Such then is, we may say, the unanimous testimony of all who had immediate opportunities of knowing the facts. All concur in freeing Celestine's successor from any suspicion of having forced him, by any unworthy arts, into a resignation.

* Cod. Archiv. Vat. Arm. xii. cap. i. No. 1.

† "Questi (Messer Benedetto Guatani d'Alagna) si mise d'inanzi al santo padre *sentendo* ch' egli avea voglia di rinunciare il papato, dicendoli che facesse una nuova decretale," &c.—*Istorie Fiorentine*, lib. viii. c. 5. tom. iv., Milan, 1802, p. 11.

‡ Ubi sup. p. 966.

§ "Item quod cum ipse Cælestinus postea attendisset ipsum non esse idoneum ad regendum hujusmodi papatum . . . idcirco," &c.—*Vitæ Roman. Pontif. R. J. S.* tom. iii. part ii. p. 434.

|| *De vita solitaria*, lib. ii. sec. iii. cap. 18.

There are, however, one or two minor points in Sismondi's narrative which deserve animadversion, as further evidences of his unfairness. He tells us, that Boniface first tried to gain the favour of the king of Naples, by making him the most unbounded offers of service, if he would procure him the papacy; and that, having deceived the king into a promise of his friends' votes, he began to employ his arts upon Celestine to induce him to resign. Now surely, independent of the untruth of the latter portion of this statement, the whole story at once strikes one as incredible. Cardinal Benedict and Charles were, according to Sismondi, declared enemies, owing to a severe reproof given by the former to the latter, on his interfering in matters of the conclave at Perugia.* At the same time Celestine was the king's subject and devoted friend, had granted him everything he had asked for, and had even, to please him, transferred the papal court to Naples. Charles, according to M. Sismondi, "had acquired the greatest influence over the mind of Celestine."† Now, we ask, is it credible that this Cardinal Cajetan, whom Sismondi represents as the haughtiest and most unbending, in his arrogance, of men, would have condescended to court the favour of his enemy? Or is it not still less credible that he, who was at the same time the most wary, or as his enemies would say, the most astute of statesmen, would think of applying to such an enemy, to assist him in removing from power, to make place for himself, one whose mind that enemy ruled, and of whose friendship he was sure? But this is not the worst. The only historian who records the interview between Cardinal Benedict and Charles, adopted by Sismondi, is Giovanna Villani, and to him the modern historian refers as his authority: but mark in what manner! The Florentine puts the conference *after* Celestine's resignation, when the king's influence over his mind could be of no further avail, and when he might be supposed ready to listen to overtures from one so likely to be his successor. But Sismondi makes no difficulty in adopting the story, but arbitrarily changing its date, and placing it anterior to the resignation. This, of course, materially affects the character of Boniface. For to have solicited suffrages for the vacant papacy would not have borne the same stamp of baseness, as to do so before removing its occupier. For this change Sismondi gives two

* Ptolem. Lucens. ubi sup. cap. xxxi. p. 1200; Sismondi, p. 81.

| P. 79.

reasons. First, "it is not likely the cardinal would urge the pope to resign, till he had secured his own succession." We have seen that the resignation was not the result of any such malicious plot as this supposes; we have seen how improbable such a course as this attempt to gain Charles was in such a man as Boniface. "It is not likely," must be taken with the additional salvo of "in the fictitious character of this pope, where-with it has pleased Sismondi to amuse his readers." Secondly, an interview after the resignation "was not possible, because the cardinals were then rigidly shut up in conclave."* Even this is not correct. The cardinals did not go into conclave till ten days after the resignation, and only remained in it one day; for at the first meeting they elected Boniface.† But if M. Sismondi will have it that Villani's account cannot be placed *after* the papal chair had been vacated, to which we willingly accede, though not for *his* two reasons, we have no hesitation in saying that it could not have taken place *before* that event. For, from the account already quoted of Ptolemy of Lucca, an eye-witness, we see that King Charles sent a procession of bishops and clergy on the 6th of December to entreat Celestine not to resign. And his faithful disciple and companion assures us, that between this time and the eve of his resignation, he perfectly concealed his intention. How can we reconcile this anxiety of the king to prevent the vacancy of the see with a plot to dispossess its occupier; or how can his understanding with Boniface be consistent with total ignorance, to the end, of any intention on Celestine's part to resign? But further than this, Cardinal Stephanesius, an eye-witness, informs us that Charles showed himself bitterly disappointed at the election of Boniface, which was completely contrary to his expectations.‡ Such is M. Sismondi's way of using his authorities.

As we are on this subject, we may as well mention another instance of this practice of our historian. As a proof of Boniface's arrogance, he relates a well-known tale, of the archbishop of Genoa, Porchetto Spinola, presenting himself

* P. 82, note.

† "— Exeusso bis quino lumine Phœbi
Carcere clauduntur."

Stephanes. De Elect. Bonif. VIII, ubi sup. p. 642.

‡ "— Caroli spes cepta precando
Defecit, miserante Deo. Sunt ista relatu
Digna, quod et patri nec non sibi præstita noscens
Munera ab Ecclesia, vultus avertit et ora."

De Elect. Bonif. ubi sup. p. 642.

for ashes on Ash Wednesday, and the pope's violently throwing the ashes into his eyes, exclaiming: "Memento quia Ghibellinus es, et cum Ghibellinis tuis in pulverem reverteris." For this story authorities are not wanting. For instance, George Stella, in his *Genoese Annals*, relates it.* But Sismondi prefers referring his readers to a better known name; to wit, the learned Muratori, who could not be supposed to sanction the tale, so injurious to the character of the pope, without being convinced of its truth.† Would the reader expect that Muratori, in the place referred to, rejects it as a fable? Yet so it is!‡

2. We come now to our second query: "if Cardinal Benedict used legitimate means to induce the pope to resign, was he not fully justified in doing so?"

We have shown that this cardinal used no unfair arts to bring about the resignation of Celestine; but we fully admit that when called in to give his advice, he followed, in the first instance, the natural impulse of any honourable mind, by endeavouring to calm the pope's uneasiness, and dissuade him; but afterwards showed him that it was in his power to lay down his burthen. Moreover, we have no difficulty in admitting that his own views were (with those of the Sacred College) in favour of the resignation. For attributing a particular ambition to him beyond others, in his sentiments and motives, we have only the warrant of the fact that he was Celestine's successor. Whoever gains by another's loss will be surely suspected, by his enemies, of having procured this. The inference is not correct, but, unfortunately, in a corrupt world, it is natural. We do not pretend to pry into Boniface's heart: we do not maintain him to have been exempt from those secret and lurking feelings, which subtly seek for self, under the cover of public good. But two things strike us as worthy of remark. First, if Cardinal Cajetan was so deeply ambitious, and so clever withal, as to set his heart upon the papacy while in another's possession, and resolve upon the unheard-of expedient of forcing him to resign, and to be able in a few days to secure himself the prize, when it had to be won in spite of the king's personal hostility, and with a college

* Georgii Stellæ Annales Genuenses, lib. ii. R. J. S. tom. xvii. p. 1019.

† P. 136, note (1).

‡ "Verum hoc fabulam sapit."—Præfat. in Chron. Jacobi de Varagine, R. J. S. tom. ix. p. 3.

of cardinals just "swamped," to use the modern phrase, by an irregular creation of Neapolitan and French cardinals, how comes it that he made no attempt to gain the object of his ambition, *before* Celestine's election, when all were wearied with a two years' vacancy,—when there had been no quarrel with Charles,—and when the Roman party had complete preponderance in conclave? Secondly; how are we to account for the immediateness of his election, and the unanimity of the suffrages, but on the supposition that his talents, learning, and other qualities, made him recognized by all his brethren as the fittest for the sublime post of supreme pontiff. And if so, why either, on the one hand, attribute to the worst motives what may have been the natural consequence of obvious causes, or why, on the other hand, treat a man as more than usually ambitious—nay, as basely so, if he did feel that passion, which few men are without, though far his inferiors in abilities, in position, and in prospects? In other words, why attribute to fraud and intrigue the rise of a man of first-rate talents above his inferiors, as though this was not a usual event,—the result of a constant social law; or why make that man a monster who feels his superiority, and tries to exercise it? Not that, supposing this to be Boniface's case, we wish to justify it:—for the humility which, with the sublimest talents, seeks the lowest place, is the true character of a fit holder of the highest. But we are not seeking to make him out a saint—we are only striving to vindicate him from foul imputation. Let us, therefore, even grant that he *was* ambitious; our only conclusion must be, that he was, like ourselves, a frail and peccable man.

But to return to our question; we will content ourselves with giving the account of St. Celestine's proceedings during his short pontificate, extracted chiefly from contemporary authors. Thus writes James, Archbishop of Genoa, at that time. After telling us that Celestine created at once twelve cardinals "in the fulness of his power," and then one more, contrary to all forms and usages, "in the fulness of his simplicity," he proceeds: "*Dabat enim dignitates, prælaturas, officia et beneficia, in quibus non sequebatur curiæ consuetudinem, sed potius quorundam suggestionem, et suam rudem simplicitatem. Multa quoque alia faciebat, in quibus non sequebatur præcedentium patrum vestigia, nec eorum statuta. Et quamvis non ex malitia, sed ex quadam simplicitate hæc feceret, tamen in magnum ecclesiæ prejudicium redundabant.*"

Quocirca ipse videns suam insufficientiam et inexperientiam, salubri ductus consilio, constitutionem fecit," &c.* The cardinal of St. George enumerates these and other evils. He compelled the monks of Monte Casino to put on the habit of his own order; he created in one day twelve cardinals; seven French, not one belonging to the papal state.† He tells us that the entire list was made out by Charles; that on the day preceding the nomination, no one knew of the intended creation, which was quite unexpected. Again, he writes,

"O quam multiplices indocta potentia formas
Edidit, indulgens, donans, faciensque recessu,
Atque vacaturas concedens atque vacantes."‡

Another grievance (in which we do not agree with the cardinal) was his reviving the severe constitution of Gregory X, respecting enclosure in conclave, which his successor Boniface confirmed. Ptolomæus Lucensis, who, as we before said, was no friend of Boniface's, thus describes Celestine's administration, after having passed a high eulogium on his virtue: "However, he was often deceived by his officers, with regard to favours granted, of which he could have no cognizance, as well through the powerlessness of old age (for he was in a state of decrepitude), as through his inexperience of government, with regard to frauds and the tricks of men, in which the curials are much versed. Hence the same favours were found to have been granted to two, or three, or more persons, even on blank but sealed parchments."§

The *Milanese Annals* thus speak of him: "Plura alia faciebat quæ in magnum scandalum ecclesiæ redundabant. Qui videns suam insufficientiam decretum edidit . . . et post pauca papatui renunciavit."|| It would be easy to multiply testimonies; but these will suffice to prove the unfitness of Celestine for the sublime office and dignity to which he had been raised, entirely through the fame of his virtue,—fitter for a desert than for the apostolic see,—by persons who had never

* Chronic. Jannense, R. J. S. tom. ix. p. 54. Franciscus Pipinus has nearly the same words, Chronic. ib. p. 735. He attributes the resignation, however, in part to Boniface, but only as a report: "ut nonnulli referunt."

† To this, in no small part, may be attributed the translation of the papal see immediately after to Avignon.

‡ Ubi sup. p. 639.

§ Ubi sup. p. 1200. The last clause, we suppose, means that his seal was procured by his officers for blank deeds, which they fraudulently filled up.

|| Annales Mediolan. R. J. S. tom. xvi. p. 683.

seen him, and, with the exception of the cardinal who proposed him, and who died before the pope's coronation, knew nothing of his qualifications beyond the austere holiness of his life. There are two points which we must briefly touch upon, because they confute some erroneous views of modern historians. One is the grievous thralldom which he nearly brought upon the Church, by transferring the residence of the Roman court to Naples, at the instigation of Charles, and creating cardinals to any amount which the king chose,—showing himself in every way his subject. This was indeed a serious evil, and one to warrant his advisers in recommending him to resign a power which he could so easily be induced to sacrifice, or rather to betray. But at the same time, what a confutation we have here of Sismondi's most unsupported and most unwarrantable insinuation,—that Celestine probably committed so many mistakes, only because his perfidious adviser purposely led him into them! Can we imagine a prudent and sagacious man, like Boniface, trying to dispossess another of power, by advising him to strengthen the arm and influence of his own enemies? Had Boniface, who was a decided *Roman* in every respect, guided Celestine in everything, from the beginning, as Sismondi would have us believe, surely he would have induced him to go to Rome, and not to Naples; he would have filled the sacred college with his own friends, and not with the subjects and creatures of the party hostile to him. The second point is, that Celestine threatened great mischief to religion by the liberality with which he scattered spiritual favours, particularly indulgences. Hence, almost the very first act of Boniface's was to recall one most ample concession of this character, in favour of the church of our Lady de Collimadio, near Aquila,* and to suspend all other such grants till further examined.† Now let us hear Mosheim tell us, that “the austerity of his manners, which was a tacit reproach upon the corruption of the Roman court, and more especially upon the luxury of the cardinals, rendered him extremely disagreeable to a degenerate and licentious clergy; and this dislike was so heightened by the whole course of his administration (which showed that he had more at heart the reformation and purity of the Church, than the increase of its opulence and the propagation of its au-

* Raynaldus observes that the grant was made quite in an unusual form. *Annal. ad An. 1294*, p. 145.

† Regest. Bonif. VIII, in Arch. Vat. Epp. 75 et 120.

thority) that he was almost universally considered unworthy of the pontificate.* This is really too bad! Not only is this description void of the slightest contemporary authority, nay in stark contradiction to every such authority, but it is in direct opposition with the principles of the writer. For surely, as a Lutheran, he could not consistently hold the lavish concession of *indulgences* to be the best way of advancing "the reformation and purity of the Church." Yet this liberality is particularly characteristic of Celestine's government.

In conclusion of this portion of our subject, we will quote Sismondi himself as sufficient authority for our position; that Cardinal Benedict had sufficient grounds for counselling Celestine to abdicate, if he used only legitimate means for the purpose. "Bientôt," he writes, "Célestin donna des preuves plus éclatantes encore de son absolue incapacité pour gouverner l'Eglise."† Surely absolute incapacity for an office, makes it matter of conscience to resign it! Hence the best friends of Celestine considered his resignation to be the result of a divine inspiration, approved by miracles, and by prophecy, through his announcing to Benedict that he should succeed him. To avoid further prolixity, we will only quote his anonymous friend and biographer before referred to; who having related the miracles wrought in ratification of the abdication, thus continues: "Post hæc collegerunt se cardinales ad electionem alterius papæ, et ille qui esse dedebat hic vir sanctus (Celestine) prædixit et intimavit Domino Thomæ quem ipse fecerat cardinalem, et Domino Benedicto qui fuit electus in papam. Electo igitur papa illo videlicet quem pater sanctus prædixerat, statim ad illum introivit, et ejus pedes osculatus est."‡

Every little circumstance connected with Boniface's accession to the pontifical throne is made matter for carping censure. Thus, when he rode in procession at his coronation, a modern publication quotes it as a proof of his pride, that two kings (Charles of Naples, and his son, called the king of Hungary) walked by his stirrups.§ Now it so happens that Celestine, whose humility Protestant historians extol beyond their wont, that so they may the better depress Boniface, though he would only, on a similar occasion, ride on an ass,

* Ubi sup. p. 367.

† Fol. 41.

‡ Ubi sup.

§ Rees's Encycl. "Bonif. VIII."

was attended by the same princes;* who in fact came as feudatories of the holy see, as well as to pay a willing homage to the successor of St. Peter.†

It is not necessary to enter into a detailed explanation of Boniface's conduct towards his predecessor. The account in Sismondi is indeed highly coloured, but it proves some important admissions. One is, that numbers of persons, especially in the Neapolitan territories, would not admit the lawfulness of Celestine's resignation, but would continue to consider and treat him as Pope.‡ Another is, that he was an easy tool in the hands of any party, by means of which a schism might be raised in the Church,—an event not at all improbable in the actual disposition of some states; and in fact, attempted as we shall see by the Colonnas and France.§ Further, we see that the holy, but weak-minded man, under the advice of his friends, repeatedly endeavoured to defeat the Pope's plan of having him in Rome, and several times escaped from his conductors. The result was, that Boniface put him in a place of safety, the Castle of Fumone. Sismondi's account leads us to suppose that the good old man was treated with unnecessary rigour in his confinement. This is not correct. A feudal tower in Italy at that age was certainly at best but a comfortless tenement, and so far the confinement was rigorous. But we must judge by the feelings of that age, and not by our own. Ptolemy of Lucca thus writes:—"Sed Bonifacius post ipsum nuntios seu vedarios transmittit ad ipsum detinendum, et inventum ipsum

* "Intumidus vilem Murro conscendit asellum,
Regum fræna manu dextra lævaque regente."

Stephan, p. 634. See also Raynaldus.

† "Hi reges sociare patrem venere volentes;
Jure tamen; nam sceptrum tenet vassallus ab ipso
In feudum Siculus."—De com. Bonif. ib. p. 650.

‡ Sismondi, p. 86.

§ Dante evidently expresses this feeling as a Ghibelline, when he makes St. Peter call Boniface a usurper. George Stella, no friend of Boniface's of whom he says, "alti cordis, iracundus et rigidus erat idem Bonifacius" (inf. cit. p. 1020), thus gives the same reasons for Boniface's proceedings as the authors quoted in the text:—

"Is autem, dum iter ageret, sui Redemptoris exemplo, sedens asello pergabat. Tum illico summi pontificii pertæsum est: unde quia ad hæc se ut virum simplicem non sentiebat idoneum, ut quidam dicebant, vel quia cernebat amplius eremo posse mereri, constituit ut ipse, et qui simili casu forent, pontificalem possent sedem linquere. Eam liquit igitur . . . et elegit in solitudinem redire suetam. Verum expertus et scientificus valde Benedictus de Anagnia [Bonifacius] nuncupatus Octavus . . . inhibuit ne discederet ipsum jubens custodire ad evitanda scandala, si a quibusdam idem Cælestinus iterum haberetur in papam."—Georgii Stelle Annales Gen. R. J. S. tom. xvii. p. 1026.

reducunt, et in custodia ponitur et tenitur, pro cavendo scandalo Romanæ Ecclesiæ, quia apud aliquos dubitabatur an cedere potuisset, et sic poterat schisma in Ecclesia generari, *Tentus igitur in custodia non quidem libera, honesta tamen, in Castro ut dicunt Fumonis . . . moritur.*"* Giovanni Villani gives a similar account, which we must needs give in his own rich and racy Italian, merely assuring the Cisalpine reader, that its sense coincides very accurately with our last quotation, respecting the motives which induced Boniface to secure the person of Celestine, and the character of his "courteous custody." "Ma poi il suo successore messer Benedetto Guatani detto di sopra, il quale fu dopo lui chiamato Papa Bonifazio, oi dice e fu vero, che fece pigliare il detto Celestino alla montagna di santo Angelo . . . ove s'erra ridotto a fare penitenza, e chi disse che ne volea andare in Schiavonia; e privatamente nella rocca di Fumone in Campagna *il fece tenere in cortese prigione*, acciò che lui vivendo non si potesse opporre alla sua elezione, però che molti Cristiani teneano Celestino per diritto e vero papa, non ostante la sua rinunzia opponendo, che sì fatta dignità come il papato, per niuno decreto si potea rinunziare, e perchè santo Clemente rifiutasse la prima volta il papato i fedeli il pur teneano per padre, e convenne pure che poi fosse papa dopo santo Cleto."†

The Cardinal of St. George goes even further than this; and assures that, on the one hand, Boniface received and addressed Celestine with kindness, and offered him every comfort in the place chosen for his custody; but that the holy hermit declined any such alleviation, and preferred leading a penitential and eremitical life in his prison. "Post aliquis spatii, eundem quondam Cælestinum, ad Græciæ remotas tendentem plagas, ut littoribus Vestîæ civitatis maris Adriatici inventum forte comperit (quatenus orbis sui Ecclesiæque discrimina vitaret) solemnioribus a se Siciliæque Carolo II Rege transmissis nuntiis consentientem, Anagniam meare facit, *Claude suscipit*, laudemque exhibuit acquiescenti Præsulis monitis Castro Fumonis Campaniæ provinciæ morari. Ubi assuetam sicut prius vitam agens eremiticam, *nolens laxioribus quibus poterat uti*, . . . mortem vitæ commutavit."‡ In his metrical account he is even more explicit, but repeats the same account of the kind reception given by Boniface, and the offers of every comfort, declined by Celestine. §

* Ubi sup. p. 1202.

† P. 616.

‡ Ubi sup. p. 12.

§ P. 658.

Without once deigning to allude to these or other similar authorities, M. Sismondi, by way of justifying the account which he gives of the severity of Celestine's imprisonment, says in a note: "Ce récit est tiré d'une vie de Célestin V, par Pierre de Aliaco, cardinal, *son contemporain*." It is not perhaps easy accurately to define what degree of proximity in time constitutes historical contemporaneousness. But we think that our readers will hardly allow the term to be applied to persons, one of whom was born fifty years after the other's death. Now Celestine died in 1296, and Cardinal Peter D'Ailly, or De Alliaco was born 1350, and took his degree in 1380. His life of Celestine was therefore probably written nearly a hundred years after his death, and its author could not have either personal cognizance or direct testimony of eye-witnesses, for a single fact in his narrative. Moreover, he lived always in France, and belonged to the party hostile to Boniface's memory—the Gallican party. But the authors whom we have quoted, but whom the French historian does not allude to, were truly contemporaries, living at the time, in the place, and having personal knowledge of facts. Why is the former preferred? Simply, we are bound to answer, *because* he is unfavourable to Boniface; because the unfavourable view is more *piquant*, more romantic, more highly flavoured for the palate of such readers as historians like M. Sismondi cater for. Even Mr. Hallam allows himself to be turned aside from true historical dignity and impartiality, by the temptation of such fare. For instance, he relates a story of Boniface's appearing at the Jubilee clad in imperial robes, and wearing a diadem on his head, adding the caution, "if we may credit some historians," and acknowledging in a note that he has "not observed any good authority referred to for the fact." Yet he says he is inclined to believe it, because "it is in the character of Boniface!"* Such, alas! is too often modern history. The very historian whose duty it is to hold the impartial balance between opinions, admitting no weight into either scale, save sound evidence, is tempted to embrace an opinion, because in harmony with a view of character which he has taken, or formed upon the very evidence of such spurious tales. The enemies of Boniface pronounced him proud, haughty and disdainful, *because* he did such acts as this tale supposes. These are found untenable on historical evidence, but the false character which

* Europe during the Middle Ages, 3d ed. vol. ii. p. 322.

they have bestowed is no less kept up—and then the facts themselves are admitted upon it.

II. Hitherto we have been engaged with the commencement of Boniface's pontificate. Gladly would we transcribe for our readers the magnificent declaration of doctrine which he laid upon the high altar of St. Peter's basilica, on the day of his coronation. But we must pass it by, only referring such as wish to see it, to the learned continuator of Baronius.* To him likewise we send such as wish to be fully instructed in the great public transactions of Boniface's pontificate. In the documents so carefully given by him, they will find ample materials for correcting the erroneous views too commonly given of the Pope's treatment of other nations. They will find, for instance, that the whole of his negotiations, and the exercise of his influence and power were directed, not to the sowing of dissensions, the excitement of feuds, or the kindling of war; but to the pacification of Europe, the succour of oppressed princes and prelates, and the adjustment of differences between contending states. He had not been many days upon the throne before he at once turned his attention to the wants of every part, from Sweden to Sicily and from Spain to Tartary. The vigour displayed by him in all his measures, his efforts to gain by mild persuasions, and when this failed by energetic steps, appear in every page of his *Register*, and may be traced in the documents extracted from them by the diligence of Raynaldus. We could hope to add but little to what he has collected; though we would willingly go into some of the principal occurrences of the pontificate, especially the transactions of Sicily. However, we have undertaken to treat principally of the personal character and conduct of Boniface; and we therefore hasten on to a part of his life which has been more especially misrepresented. We mean the contest between the Pope and the noble family of Colonna, his supposed persecution of it, the destruction of their fortress and city of Palestrina, the ancient Præneste, and his consequent sufferings and death.

We will introduce the subject by a concise but candid analysis of Sismondi's narrative of the contest, and then proceed to examine it by documentary evidence. He tells us, therefore, that the occasion on which Pope Boniface most betrayed

* Raynaldus, tom. xiii. p. 164.

the violence of his character, was in this affair; the events of which he enumerates as follows:

1. There were in the Sacred College two cardinals of the illustrious house of Colonna (Peter and James), who had been opposed to the election of Boniface, and only tricked into approving of it. He cites the authority of Ferretti and Pipino. They were sufficiently powerful to be able to manifest their discontent.

2. The enmity of Boniface probably drove them to espouse the part of the Kings of Sicily (Arragon); at least this was the pretext seized by him for issuing a violent decree against them, in which he deposed them from their cardinalitial dignity.

3. The Colonnas answered this violent bull by a manifesto, in which they declared that they did not recognise Boniface for Pope or head of the Church; that Celestine had no right or will to abdicate, and that the election of a successor during his life-time was necessarily null and illegitimate.

4. This manifesto increased the Pope's rage: and he confirmed his former sentence, and issued a declaration of war against the Colonnas, in form of a crusade. An army was sent, under the direction of two legates, and many cities belonging to the family were taken. Palestrina, however, defied their efforts.

5. Upon this, Boniface sent ("we are assured") for the celebrated general Guido, of Montefeltro, now become a Franciscan friar, to come to the siege. "He ordered him by virtue of his vow of obedience to examine how the town might be reduced, promising him at the same time a plenary absolution for whatever he might do or advise contrary to his conscience. Guido yielded to the solicitations of Boniface; he examined the fortifications of Palestrina, and, discovering no way of gaining possession of them by force, returned to the Pope, and begged of him to absolve him still more expressly of every crime he had committed, or that he might commit in giving his advice; and when he had secured that absolution, he said: 'I see only one course; it is, to promise much and to perform little.' After having thus advised perfidious conduct, he returned to his convent."

6. Boniface, in consequence, offered to the besieged most advantageous terms; promised favour to the Colonnas, if in three days they appeared before him. The city was delivered up, but the perfidious counsel followed.

7. The Colonnas received secret warning, that, if they

appeared before Boniface, their lives would be taken, and they fled to distant countries.*

We really doubt whether history could match this narrative in partial and unwarranted statements. We will examine it part by part.

First, then, the whole recital of the origin of the differences between Boniface and the *Colonnese* (as they are usually called) is quite erroneous. The two Cardinals did not oppose his election; neither were they tricked into giving him their votes. Our grounds for these assertions are the following. 1. The narrative of Ferretus is a mere fable, the fiction of some enemy, unsupported, or rather denied by sound testimony; in fact, Sismondi has done no more than here allude to it in general terms. 2. On the other hand, in the instrument drawn up by the Cardinals Colonna, and forwarded to every part of Europe, containing their reasons for disallowing Boniface's election and right to the pontificate; though they vaguely hint at unfair practices in procuring Celestine's abdication,† they never once allude to any irregularity in Boniface's election. Now had such a disgraceful trick been played upon the Colonnas, as Ferretus's narrative supposes, it would have cast serious doubts, at least in an enemy's eye, upon the validity of the nomination. This silence is surely of great weight. 3. Boniface himself, on the other hand, in his reply to the Colonna libel, declares that those very cardinals gave him their votes in the usual form, by scrutiny. "*Nec possent supradicta*" (acts acknowledging him for the true pope), "*metu proponere se fecisse, qui nos in scrutinio, more memoratæ Ecclesiæ cardinalium elegerant, et nominaverant eligendum in Papam, quando de nobis timendum non erat.*"‡ Would Boniface have ventured to assert this (which moreover they never contradicted, either then or afterwards, in his process) to their faces, if his election had been grossly irregular, and he had not been chosen by suffrage, but had named himself pope? 4. Cardinal Stephanesius informs us that Celestine was chosen pope by *scrutiny* and *accession*, the usual modes—the cardinals being

* P. 136, *seqq.*

† The very way in which this document speaks of these reported practices, confirms what we have written above concerning the allegations on this subject. "*Item, ex eo quod in renuntiatione ipsius multæ fraudes et doli . . . inter venisse multipliciter asseruntur.*"—Ap. Raynald. p. 227. Could enemies, who were on the spot, get no better evidence, when wanted for such a purpose?

‡ Bonif. Bulla ap. eumd. p. 231.

wonderfully unanimous in their election.* 5. St. Antoninus expressly tells us that the two Cardinals Colonna were among the first to give Boniface their votes.†

2. Did the enmity of Boniface drive them to take part with the King of Arragon? We answer that Boniface showed no such enmity. Soon after his election, he became the guest of the family, trusting himself confidently into their castle of Zagarolo, and being treated, as he himself acknowledges, with marked kindness.‡ We find also in the *Regesta* of Boniface, in the Vatican Archives, favours granted to them, in the second year of his pontificate.§ What then was the origin of the feud, and on whose side did the fault lie? We answer that its origin was two-fold, and the blame entirely with the Cardinals. According to Sismondi, the contest was one between the Pope and that noble family; whereas the commencement was a family quarrel, in which appeal was made to the Pope. Cardinal James Colonna had three brothers, Matthew, Otho and Landulf, who were co-heirs with him in the vast possessions of the family. By an instrument dated April 28, 1292, preserved in the Barberini Archives, and published in an interesting, and an important work, for this portion of history,|| these three gave up the administration and possession of all the estates to the cardinal: with an understanding of course that he was to administer for their joint benefit, though without any obligation of rendering them an account of his administration. The cardinal kept entire possession, so as to leave his brothers in absolute indigence.¶ Thereupon they appealed to the Pope, who justly enough took their part, and called in vain upon their brother to do them justice. This is mentioned in the bull of deposition against the cardinal, but Sismondi never alludes to it. To read him one would imagine the Colonnas were every way innocent, and the most wronged men on earth;

* "In summum pontificem scrutinio, accessioneque eligitur."—P. 617. Vid. lib. i. cap. i. De elect. Bonif. p. 642.

† Chronic. ad an. 1295; Pa. iii. tit. 20.

‡ "Et post electionem . . . in castro tunc ipsorum, quod Zagarolum dicitur, et quod per dictum Jacobum tunc temporis tenebatur . . . hospitati fuerimus, confidenter," &c.—Bonif. ubi sup. p. 231.

§ Regest. vol. ii. No. 442. "Dispensat. Jacobo nato nobilis viri Pet. de Columna, clerico Romano."

|| Petrini, *Memorie Prenestine*; Rome, 1795, 4to.

¶ "Considerantes fore indignum, ut quibus de una substantia competit *æqua successio*, alii abundanter affluant, alii *paupertatis incommodis ingemiscant*, quos tamen" the Cardinals "rationibus, precibus sive minis nequivimus emollire,"—Bonif. (Bull. ap. Rayn. p. 1297.

and Boniface exclusively the tyrant. So far was Boniface's quarrel from being against the entire Colonna family, that one of the brothers, Landulf, was named by him a captain in the expedition against Palestrina.* The second source of strife was the one mentioned, with some doubt, by Sismondi,—the decided partizanship shown by the Colonnas for the house of Arragon, then at war with the Pope. Our historian would naturally lead us to suppose, that Boniface's bull against them was the first step taken towards them. Now, *audi alteram partem*; let us hear the Pope's own statement. He tells us that Frederick of Arragon had sent emissaries into his dominions to stir up enmity to him, and that they had met countenance and favour from the family of Colonna, and had been aided and assisted by it: that he, according to the principles of the Holy See, ever more prone to kindness and forgivingness than to severity, now strove to gain them by addressing them with fatherly kindness, now to persuade them by words of charitable correction:† and, these failing, held out to them severe threats; showing them the shaft pointed, before it was released from the bow. But nothing availed, and the Pope therefore proceeded to demand, as a pledge of their fidelity, the custody of their castles, a right constantly claimed by liege lords, when having reason to doubt their vassal's faith. This they refused, and the Pope had recourse to further steps, but not at once.‡

3. The document from which we extract these public declarations of Boniface's, is the one which Sismondi calls a violent bull, and which he tells us they answered by a mani-

* Ap. Petri, p. 419.

† "Eos studuit (Apost. sedis benigna sinceritas) nunc paternæ lenitatis dulcedine alloqui, nunc verbis charitativæ correctionis inducere."—Bonif. Bull. ap. Rayn. p. 225.

‡ Boniface never alludes to an outrage said by many contemporaries to have been committed against him by Sciarra Colonna, in waylaying and plundering the papal treasury. This silence may seem a sufficient denial of the fact; but we think it right to quote some out of many authorities in favour of its correctness:

"Nam et ipse dicebat quod Stephanus (Sciarra) de Columna suum thesaurum fuerat deprædatus: propter quod inter ipsum Bonifacium et dictos Columnenses summa discordia extitit suscitata."—Amalricus, R. I. S. tom. iii. pt. ii. p. 435.

"In Roma fu grandissima divisione e quistione e guerra tra Papa Bonifacio VIII, e quei della Colonna, perocchè i Colonnessi rubarono un grandissimo tesoro al detto Papa."—Cronica di Bologna, Ib. tom. xviii. p. 301.

"Eodem anno Columnenses Romani accesserunt et derobaverunt magnum thesaurum auri et argenti Dno Papæ Bonifacio."—Chronicon Estense R. I. S. tom. xv. p. 344, most hostile to Boniface.

"Nobiles etiam de Columna inimicos habebat, contra quos processit, quia Stephanus de Columna ipsius Papæ fuerat prædatus thesaurum."—Georgii Stellæ Annales Genuenses, lib. ii. Ib. tom. xviii. p. 1020.

festo denying the Pope's title to the papacy. He is as accurate as usual: the Colonna manifesto was issued, within a few hours, at the same time as the bull; it probably had the advantage of being the first out. But we must fill up one or two important omissions of M. Sismondi. One would naturally conclude from his narrative, that the denial of the Pope's rights was imagined by the Colonnas in revenge or retort for the bull. Now let us look a little at the chronology of events. Let the reader bear in mind that this document, abridged by Sismondi, bears date the TENTH OF MAY, 1297. So open were the declarations of the two cardinals, uncle and nephew, against the validity of Boniface's election, before this period, that ON SATURDAY, THE FOURTH of that month, the latter had sent John of Palestrina, one of his clerks of the chamber, to Cardinal Peter Colonna, summoning him to appear that very evening before him; because it was his wish to put the question to him, in the presence of the other cardinals, whether or no he held him to be true Pope. The prelate conveyed the message; but the two cardinals, instead of obeying, fled with many of their family that night from Rome.* This message the Colonnas themselves admit to have been sent to them, in their libel or manifesto.† Where they concealed themselves at first is not known; but this is certain, that at day-break on THE TENTH, they were at Lunghezza, a house belonging to the Conti family, in company with the apostolic writer Giovanni da Galliciano, two friars minor, Deodato Rocci of Monte Prenestino, and the singular, and afterwards most holy, Jacopone da Todi, and a notary of Palestrina, Domenico Leonardi, who, by their order, wrote the manifesto, denying Boniface to be Pope, which Sismondi speaks of as an answer to a bull published at Rome, twelve miles off, the same day, and probably later in the day! This libel, as contemporaries justly call it, they sent in every direction,‡ and even had affixed to

* Pierre du Puis, *Histoire particulière du grand différend entre Bonif. VIII, et Philip le Bel*. Thuan. Append. to vii. p. ix. p. 33.

† "Dicendo vos velle scire utrum sitis papa, prout in mandato per vos facto, si mandatum dici debet, per mag. Joannem de Penestre, clericum cameræ continebatur expresse."—Ap. Raynald. p. 228.

‡ Bernardus Guido thus writes of it: "Deinde Domini Jacobus et Petrus de Columna, patruus et nepos Cardinales videntes contra se motum papam, libellum famosum conficiunt contra ipsum, quem ad multas partes dirigunt, asserentes in eodem ipsum non esse papam, sed solummodo Celestinum. Unde citati a Bonif. Papa non duxerunt comparendum, et facti sunt contumaces."—R. I. S. tom. iii. p. 670. This would seem to allude to some libel even prior to the summons through John of Palestrina. Amalricus Augerius thus describes it:

"Jacobus patruus et Petrus ejus nepos de Domo Columnensium tunc Ecclesie

the doors, and placed on the high altar of St. Peter's Church.* Is it a wonder that after this bold act of defiance, against Boniface's power both spiritual and temporal, he took up both swords, and proclaimed war against his contumacious clergy and rebellious vassals? His invitations to his friends were obeyed; the neighbouring states sent him troops,† or seized, like the people of Forli, the castles belonging to his enemies;‡ and soon Palestrina alone remained in their possession.

4. This city had been all along the stronghold of the Colonnas, the nest in which all their treasons had been hatched, the refuge to which they could flee in security;—Boniface therefore turned all his forces against it. On this point we have no comment to make.

5. But now comes the sad history of Guido of Montefeltro. First let us ask what historical authority there is for the tale of perfidy, which Sismondi with great "assurance" relates of Guido's being at all present at the siege, or giving any such advice? He quotes, indeed, three,—Dante, Ferretus and Pipino;§ virulent enemies of the Pope. Between the narratives of the two latter there are glaring contradictions, one at least of which we shall have occasion to see; and Ferretus, as Muratori well observes, had no better voucher or guide for this tale than the poet, whose very words he quotes. Moreover, through the whole of his narrative about Boniface, he evidently writes from hearsay and calumnious reports, using such expressions as "they say,—it is reported"; as the learned Italian critic observes. Nay it is in truth, rather startling to find Sismondi referring for his authorities to the pages of Muratori, and never even hinting that their sagacious publisher in both places rejects, as mere fictions and calumnies, the very passages for which he refers. Thus he writes on Ferretus:—"Quæ hic habet Ferretus de Bonifacio VIII et Guidone antea Montis Feretri Comite pervulgata jam sunt; eadem enim paucis ante Ferretum annis

Romanæ Cardinales contra ipsum Bonifacium quendam libellum famosum composuerunt, et ad plures et diversas partes ipsum transmiserunt, et publicari fecerunt; asserentes in ipso libello dictum Bonifacium non esse papam, sed Cœlestinum Papam V, quem captum ipse detinebat."—*Ibid.* p. 435.

* Histoire, &c. ubi sup. p. 34.

† For instance, Florence: "Il commune di Firenze vi mandò in servizio del Papa seicento tra balestrieri e pavesari crociati con le sopransegne del commune di Firenze."—Gios. Villani, ubi sup. p. 37. Simon della Tosa cron. sub Anno 1297. Orvieto likewise, as Manenti informs us, and Matelica, did the same.—Ap. Petri, p. 148.

‡ Annales Forolio. R. I. S. tom. xii. p. 174.

§ P. 140.

literis consignarat Dantes Aligherius. . . . *Sed probrosi hujus facinoris narrationi fidem adungere nemo probus velit. . . .* Ferretus hæc a satyrico poeta ambabus manibus excepit, quippe et is ad maledicendum pronus. A quo autem fonte hauserit hic auctor universam ejusdem pontificis historiam, *contumeliis ubique ac pæne maledictis contextam* conjicere poteris, Lector,*) might he not be speaking in anticipation of a more modern work?) "ab illis verbis quæ aliquando intermiscet, *dijudicant, ferunt*; ea siquidem procul dubio indicant *iniquos vulgi rumores corrupti a famosis*, ut aiunt, *libellis Columnensium Urbe depulsorem*. Ceterum illustres ipsius virtutes, et præclare gesta enarrant coævi scriptores apud Rainaldum quem vide."* Yet this author, so characterised by Muratori, is the one whom Sismondi implicitly follows, without even intimating to his readers that there exists any other account! But did Guido of Montefeltro come to the siege, or give the perfidious advice attributed to him by Dante? We see many very strong reasons for doubting,—indeed for totally denying it. Guido of Montefeltro, whose posterity long ruled in Italy with honour, as Dukes of Urbino, was renowned as a general during his life, and in the early part of his career, was a powerful enemy of the Church. In 1286, he was reconciled to the Holy See,† and continued faithful to it; till at length, weary of the world and its vanities, he applied for permission to exchange his helmet for the cowl, and his belt for the cord of the humble St. Francis.

Father Wadding has given us the letter addressed by Boniface to the Franciscan provincial of La Marca, in which he gives his consent to the pious desire, which he considers manifestly coming from God.‡ The instrument is dated Anagni, July 23, 1296. In the month of November following, he took the habit at Ancona. This remarkable change of life could not but powerfully strike those who witnessed it; and accordingly we find it entered into almost every contemporary chronicle. But suppose that, after a time, the friar had again been transformed into a soldier, had he once more returned to the camp, and superintended the siege of Palestrina, is it not as probable that so strange an event would have been equally noticed? And yet not one alludes to it.

* Note to Ferretus, ubi sup. p. 969.

† *Istoria Fiorentina* di Giachetto Malespini, cap. ccxxviii. R. I. S. tom. viii. p. 1045.

‡ *Annales Minorum*, tom. v. ed. 2 a fol. 349.

Wadding justly observes, that the simple statement, by grave and competent witnesses, that he persevered to his death in saintly humility and unceasing prayer, is surely to be preferred to the fictions of poets.* No one, we imagine, will be inclined to doubt the truth of this assertion, which refers to the statement of Marianus, and James of Perugia, a contemporary writer. We will content ourselves with giving a few extracts more from such authors, to strengthen his argument.

The Annals of Cesena thus speak of Guido: "Millmo. cclxxxvi die xvii Novembris, Guido Comes Montis Feretri, Dux bellorum, Fratrum Minorum est religionem ingressus. Currente mccxcviii die Dedicationis B. Michaelis in Civitate Anconæ est viam universæ carnis ingressus, et ibi sepultus."†

Ricobaldus of Ferrara, simply writes, "Guido Comes de Monteferetro quondam bellorum dux strenuus abdicato sæculo Ordinem Minorum ingreditur, in quo moritur."‡ And in another work he writes of him as then living: "Hoc tempore Guido Comes de Monteferetro, Dux bellorum strenuus, depositis honoribus sæculi, Minorum Ordinem ingressus est, ubi hodie militat in castris B. Francisci."§

The Bolognese Chronicles thus speak of him: "1296. Il Conte Guido di Montefeltro, nobile e strenuo in fatti d'arme . . . abbandonato il mondo, entro nell' Ordine dei Frati Minori, dove finì sua vita."||

This silence of all chronicles on so extraordinary an event, is certainly a powerful argument against the assertions of sworn adversaries at a considerable distance from the scene. Several other considerations concur to make us still further disbelieve the latter. First, their disagreement about important circumstances. Ferrettus, for instance, makes him actually come to the siege of Palestrina, and examine the fortifications, and pronounce them impregnable; and then, as Sismondi follows him, ask, before giving his perfidious counsel, for absolution "perpetrandi criminis."¶ On the other hand, Pipino tells us that he positively refused to

* "At domestici testes, et serii scriptores, dicentes hominem in sancta religione et perpetua oratione reliquos vitæ dies transegisse, et quam laudabiliter obiisse, præferendi sunt poetarum commentationibus."—*Ib.* fol. 351.

† *Annales Cæsenates*, R. I. S. tom. xiv. p. 1114. This passage confirms the date assigned by F. Wadding, from Rubæus, to Guido's death.

‡ *Compilatio Chronologica*, *ib.* tom. ix. p. 253.

§ *Hist. Imperat.* *ib.* p. 144. || *Cronica di Bologna*, R. I. S. tom. xiv. p. 299.

¶ *Ubi sup.* p. 970.

come, on account of his age and his religious vow, and therefore must have only sent to Boniface his base suggestion.* Now surely this discrepancy between the only two historians who relate the story, upon so palpable and important a fact, as whether Guido was or was not at the siege, and acted the part of a general, is fatal to the whole narrative. Secondly, the total absence of any document on the subject in Boniface's Regesta. By this name is understood the original transcript of all documents issued in a pope's reign, the collection of which compilations forms the bulk of the Papal Archives. Those of Boniface consist of immense volumes, (one, we believe, to each year), in which are beautifully written on vellum every letter, rescript, or decree issued day by day, divided into two classes, the second of which is formed of what are called the Curial Letters. When we read the history of Boniface's active life, and find that, notwithstanding his constant changes of residence, every document is entered in a fair hand, without an erasure, or sign of hurry, we are led to form an advantageous idea of the order and regularity of his civil and ecclesiastical administration. But then the total absence of any document relating to a supposed transaction of his reign, must be equivalent to a contradiction of its having taken place.

To come to our present case: we have found in the second volume of his Regesta, Ep. 63, a letter by which Conrad of Montefeltro, *citatur ad Curiam*, is summoned to Rome on business; and another in the Curial Epistles (No. 2), in which Guido himself is summoned to come to Rome by a certain day, that the Pope might consult with him on important affairs relative to the pacification of Italy. Again we have seen that the document exists, (and it is in the Regesta), naming Landulf Colonna captain in the expedition, and a similar one is there relative to Matthew Colonna, who took a like part against his family.† Now is it credible that not a trace should exist, in this collection, or in any other part of the papal archives, of any second summons to Guido, either directly or through his religious superiors, to come to the camp, nor any appointment of him to hold command or act as counsellor in the war? Yet it is even so. Not

* "Qui cum constantissime recusaret id se facturum, dicens se mundo renuntiassse, et jam esse grandævum, Papa respondit," &c.—Ibid. p. 741.

† Lib. iii. Ep. 598.

content with our own opportunities of research, we ventured to apply to the obliging and experienced prefect of the Papal Archives, to have a more minute examination made. The result the learned prelate has not only kindly communicated to us in person, but given to the world in an essay just published. We extract the following, sufficient for our purpose: "What shall I say of the advice supposed to have been given by Guido of Montefeltro to the same Boniface, on the siege of Palestrina, which he refused to undertake, because, to succeed, it was necessary to commit a sin, from which, however, Boniface showed himself most ready to absolve him? This account is Dante's, a notorious Ghibelline. Requested several times by the same person to search in the Vatican archives, if any document could be there found, bearing upon the circumstance: I can pledge my honour that I have not found any such;—a certain proof that none exists. The letter, at least, by which Boniface summoned Guido to come, ought to have come under my eye; but not even of this is there any trace in the Vatican *Regesta*."* This absence of any document in such a place is, we think, conclusive evidence against the supposed occurrence. Lastly, we consider the whole a fable, because we are satisfied that no such perfidious course as the narrative supposes, was pursued.

6. For, to come to the last part of Sismondi's account of the Colonna contest, we deny that Boniface offered such terms as are described, or that the city was delivered to him under conditions which he violated, or that the Colonnas, warned that their lives were in danger, refused to come to him, but fled. Before we proceed to the confutation of this account, we must go a little back. After the publication of the Colonna manifesto, the heads of the family remained entrenched in Palestrina; and, on the fourth of September, it was understood that hostilities would commence. Upon this, the municipal authorities of Rome held a solemn parliament in the Capitol, and sent a deputation to Palestrina to induce the Colonnese to humble themselves before the Pope, and make full submission. They promised every thing that was required, and the deputies then proceeded to Boniface at Orvieto, and interceded for them. He yielded, and promised to admit them to mercy, on condition of their yielding up

* *Diplomatica Pontificia*. Rome: 1841. p. 23.

their castles and persons.* Instead of this, they openly received into their walls, Francesco Crescenzi and Nicola Pazzi, his avowed enemies; and, in addition, some emissaries of the king of Aragon, with whom he was at war. Then, and not till then, first on the 18th of November, and again on the 14th of December, he passed his final measures for war.† This treaty or covenant cannot, of course, be the one of which Sismondi speaks: but we have thought it right to relate its history, to show the character of those with whom Boniface had to deal, and the nature of the contest.

The city of Palestrina was vigorously besieged, and as vigorously defended; the question is, was it at length delivered up, under promises which were not kept? We answer, certainly not; and here our proofs are, to our minds, conclusive. In 1311, Clement V, at Avignon, consented to a process being instituted against the memory of Boniface, by Philip of France, Nogaret, the Colonnas, and all his other enemies. The preliminaries indicated anything but a wish to favour his predecessor. In the bull upon the subject, he is full of commendation of the king, and fully acquits him of any improper motives; while he ordered all the letters and decrees against France to be expunged from the Regesta. This was done, as appears from their volumes; though fortunately the friends of Boniface had copies of many preserved. Full liberty was likewise granted to any one to bring forward accusations against him. The Colonnas charged him with the very crime imputed to him by Sismondi, of having received surrender of their city and castles under express compact, "*per bullas et solemnes personas*" (Roman ambassadors or deputies), that he should only plant his banner upon the walls, leaving their custody in the hands of the family. We have two answers to this charge: one a compendious one, which

* After recounting the course pursued by the deputies, first in regard to the Colonnas, then to himself, he thus proceeds: "*Nos igitur illius vices gerentes, qui mortem non fecit, nec delectatur in perditionem virorum et filios . . . humiliter revertentes suaque recognoscentes peccata ad penitentiam libenter admittit, præfatis schismaticis, hostibus atque rebellibus*" . . . (here follow the conditions) "*gremium non claudemus quin eos taliter redeuntes, sic misericorditer et benigne tractemus, quod sit gratum Deo, honorabile nobis et ipsi Ecclesiæ, et ex nostris, et ipsius Ecclesiæ actibus exemplum laudabile posteris relinquamus.*" Apud Petrini, ex Archiv. S. Angeli, p. 420. What a different idea of Boniface's character do these words give us from modern historians' delineation of him? Who, on reading these words, does not believe that he would have acted carefully?

† See Petrini, 147.

we would gladly give at length,* the other more detailed, put in by Cardinal Francesco Gaetani, existing in a parchment in the Vatican Archives. We will give the substance of the replies, corroborating them with collateral evidence.

First, then, it is clear that no such compact was made with the Colonnas, because they cast themselves at the Pope's feet and sued for mercy. Sismondi tells us that, admonished of danger to their lives if they came before the Pope, after they had agreed to surrender the town, they fled, and did not venture near him. Cardinal Cajetan states, that the Colonnas coming from Palestrina to Rieti, went dressed in black and with cords round their necks, from the gates to the Pope's presence, and prostrated themselves at his feet, one of them exclaiming: "Peccavi pater in cœlum et coram te, jam non sum dignus vocari filius tuus;" and the other adding: "Afflixisti nos propter scelera nostra." Now for this account, which is in flat contradiction to the one preferred by our historian, the cardinal appeals to the cardinals and prelates there present, and to the Prince of Taranto, who was on the spot and willing to bear witness.† This narrative is confirmed by abundant testimony. Pipino gives it in his own way. He tells us that they came to him as above described, and that the Pope "spretis lacrymosis eorum confessionibus atque precibus, velut aspis surda, non est misertus eorum."‡ But the latter statement is contradicted by others, as well as Cardinal Francis. A chronicle of Orvieto says, that they were received "a Romana curia cum letitia multa."§ Villani, who asserts the town to have been treacherously taken possession of and destroyed, tells us, that "the Colonnese, clerks and lay, came to Rieti, and threw themselves at the Pope's feet for mercy, who pardoned them, and absolved them from their excommunication."|| Paolino de Piero, no friend of Boniface's, says, that they came for mercy, "whom the pope graciously, and in a kind manner, (*graciosamente e di buon aria*) pardoned, and absolved from excommunication; then *Palestrina was destroyed according to compact.*"¶

Secondly; when they came to Rieti, the city was already in the Pope's hands, his general having possession of it. Is it likely that he would, after this, have contented himself with

* Ap. Petrini, p. 431.

† Petrini, ubi sup.

‡ Ubi sup. p. 737.

§ Quoted by Pet. p. 422.

|| Ubi sup. p. 39.

¶ Cronica. R. I. S. tom. ii. p. 53.

only having his standard there, or enter into terms with his subdued rebels?

Thirdly; the cardinal denies that any such bulls, as those asserted, existed or could be produced, as none were.

Fourthly; he contradicts the assertion that any ambassadors or mediators were present, but only such intercessors as the Colonnas had themselves brought.

Fifthly; he asserts, that there was no truth in the assertion that the Pope, after forgiving them, and imposing a penance on Stephen Colonna, sent knights after him to slay him.

Such is the evidence in favour of Boniface, of which it is useless again to complain, that not the slightest notice is taken, or hint given, by the historian of the Italian Republics. But the cause of Boniface, from whose "process," as it is called in the Vatican Archives, these documents are extracted, was solemnly examined and judged by the general Council of Vienne, convoked and held in 1312, in great measure for that purpose. The decision was entirely in his favour; his memory was discharged from the slightest imputation, in the face of every hostile influence, ecclesiastical and civil. He was charged with heresy, witchcraft, idolatry, and disbelief. The proof of his idolatry was, that he had his portrait engraven on some of his gifts to churches; therefore he wished it to be worshipped. Of his disbelief in the real presence, that he turned his back on an altar while mass was celebrating. The answer was, the abundance of tears with which he celebrated the divine mysteries, and his splendid presents to many altars!*

We must now hasten to his closing scene, a subject, no less than his opening one, of gross misrepresentation. On one point, indeed, all do him justice, in his noble bearing and intrepidity when taken by his enemies. William of Nogaret, with a French force, and Sciarra Colonna, who, with his family, had long forgotten the pardon of Rieti, with a band of retainers, made their way through treachery into Anagni, the city so cherished and favoured by Boniface. They ran through the streets shouting "Long live the king of France, and death to Boniface!" The people, panic-struck, offered no resistance; and the two bands having forced their way into the palace, entered at different moments and by different ways the papal presence chamber. In the meantime Boniface had arrayed himself in full pontifical vestments; and seated on his throne (or as Sismondi writes, kneeling before the altar) with a

* Raynald. ex Processu, p. 550, ad An. 1312.

crucifix in his hands,* over which he hung, the venerable old man calmly awaited the approach of his enemies. The impetuous Sciarra, at the head of his band, with his drawn sword outstretched for vengeance, rushed into the room, but stood on the threshold, overawed and irresolute, before his lord. William of Nogaret followed, with his party, and less abashed, insultingly threatened to carry him off to Lyons, to be deposed by a general council. Boniface replied with a calm dignity, which abashed and humbled the daring Frenchman: "Here is my head, here is my neck; I will patiently bear that I, a Catholic, and lawful pontiff and vicar of Christ, be condemned and deposed by the Patareni.† I desire to die for Christ's faith, and his Church."‡ This scene, which we only wonder has never been chosen as the subject of the artist's pencil, exhibits beyond almost any other in history, the triumph of moral over brute force, the power of mind arrayed in true dignity of outward bearing over passion and injustice. Even Dante relented at its contemplation, and indignantly sang of his enemy—

"Veggio in Alagna entrar lo fiordaliso
E nel vicario suo Cristo esser catto.
Veggiolo un'altra volta esser deriso;
Veggio rinnovellar l'aceto e 'l fele
E tra vivi ladroni essere anciso."§

After three days' captivity, the people, aroused from their lethargy, liberated him; and in a few days he was conducted to Rome, where on the thirtieth day he died. That his death may have been accelerated by the shock and sufferings of his captivity is not wonderful, considering that he was in his eighty-seventh year, and that his high and sensitive mind would be powerfully affected by the ingratitude of his subjects, and the insults inflicted on him. But such a view would

* See the account in Villani, cap. 63, p. 116. Pipino tells us he had in his hand a portion of the true cross; and that, like our St. Thomas, he exclaimed: "Aperite mihi portas cameræ, quia volo pati martyrium pro Ecclesia Dei."—p. 740.

† Nogaret's father had been punished for heresy.

‡ This was proved in his process. See Rayn. ubi sup. Rubæus, p. 214.

§ "Entering Alagna, to the fleur-de-lis
And in his vicar, Christ a captive led!
I see him mocked a second time;—again
The vinegar and gall produced I see;
And Christ himself 'twixt living robbers slain."

Wright's Dante—Purgatory, Canto xx. l. 86-90.

have aroused only our commiseration; and it was deemed expedient that the sympathies excited by the scene of his capture, should be effaced by a spectacle of another character. Sismondi, therefore, again takes Ferrettus as his guide, and tells us that Boniface, imprisoned in his apartments by the Cardinal, fell into a violent passion, turned out his faithful servant John Campano, bolted the door, and after gnawing his staff, dashed his head against the wall, so as to embrue his grey hairs with blood, and then strangled himself with the bed-clothes.*

We suppose Sismondi was ashamed to follow Ferrettus to the extreme; and therefore omitted that he had gnawed his entire stick, a good long one, to bits, (*"baculum satis procerum dentibus conterit"* and again; *"baculo minutatim trito"*) that he invoked Beelzebub, though nobody was in the room to hear him, and that he was possessed by the devil.† These things would have rather been questioned in France of 1809; they are therefore prudently omitted, and just as much taken of the narrative as makes a good romance. For romance it is from beginning to end. At the foot of the page which M. Sismondi was quoting, he had Muratori's point blank declaration that the whole story is an *unworthy lie* (*"indignum mendacium"*), and reference is made to where a full confutation was to be found. But to have made Boniface die in his bed, with the sacraments of the Church, and like a good Christian, would have been very tame indeed, and spoilt all the point of the melodrama which M. Sismondi had made of his history. Yet I fear we must be content with this less tragical, but more consoling view of Boniface's end. In his process it was proved, that lying on his bed through illness, "he, according to the usage of the Roman Pontiffs, recited and made profession of all the articles of faith in the presence of eight cardinals, concerning which the letters are extant of our brother, Cardinal Gentili;"‡ and again, he is said "to have professed in the presence of many cardinals, and other honourable persons, that he had ever held the Catholic faith, and wished to die in it."§ Again Cardinal Stephanesius, an eyewitness, gives us the same account, and assures us that his death was most placid;—

——— "Christo dum redditur almus
Spiritus, et divi nescit jam judicis iram,
Sed mitem placidamque patris, ceu credere fas est."||

* Sism. p. 150.

† Ubi sup. p. 1008.

‡ Process, p. 37.

§ Ibid. p. 131. || De Canoniz. Cælest. lib. i. cap. xi. R. I. S. tom. iii. p. 660.

Surely, for the very honour of humanity, these authentic accounts ought at least to have been alluded to. But what are we to say to his dashing his head against the wall, and his haggard and frightful looks when dead, mentioned by Ferretus? who, moreover, adds, that his corpse was buried in the earth, with a marble placed over it? Or of his hands and fingers gnawed, as some write?* It pleased Divine Providence to give a striking confutation of these calumnies, in 1605, exactly a hundred years after his death. The chapel in the Vatican, which he had built for his tomb, had to be taken down, and his body removed. The tomb (a sarcophagus, not the earth) being opened, his body was found almost completely incorrupt, with a most placid expression; so perfect, that the smallest veins could be traced. It was carefully examined by medical men, and a minute *procès verbal* was drawn up by a notary of its condition, and of the gorgeous pontifical robes in which it was attired. This may be seen at full length in Rubæus.† Now, it is certain that nature does not cicatrize wounds after death; and yet not a trace could be found of any on the head; the skin was entire: and as to the gnawed hands, they were so beautiful, “as to fill with admiration all who saw them.”

We may now draw to a close. We trust what we have written may suffice to put readers on their guard against the bold assertions of historians on subjects like these. We must not, however, omit one or two remarks. Although the character of Boniface was certainly stern and inflexible, there is not a sign of its having been cruel or revengeful. Through the whole of his history not an instance can be found of his having punished a single enemy with death. When he sent John of Palestrina to Cardinal Colonna, he might as easily have sent a body of his guards, and brought him by force into his presence. When the Colonnas all came before him at Rieti, he had them completely at his mercy; yet he hurt them not. How, then, can Sismondi's insinuations stand, that he intended to put them to death? Again, he forgave Guido of Montefeltro his many offences, as he did Ruggieri dell' Oria, another capital enemy of the Church.‡ When he

* “Mori, secondochè per più si disse, di rabbia, e mameandosi le mani.”—Paolino de Piero, ubi sup. p. 65.

† P. 346.

‡ “Questi Ruggieri dell' Oria era molto stato gran nemico della Chiesa e del Re Carlo, al quale a prego della Reina e di Don Jacomo, Bonifazio che allora era papa, benignamente a graziosamente perdonò.”—Paolino di Piero, p. 50.

was returning to Rome, after his liberation, in a triumph never before witnessed, Cardinal Stephanesius tells us that his principal enemy was seized by the people (Muratori supposes it to have been either Sciarra Colonna, or Nogaret;) and brought before him, that he might deal with him, he freely pardoned him, and let him go.* So, likewise, when Fra Jacopone fell into his hands, he dealt leniently with him, and confined him, where others would have treated the offence as capital.† These examples of forgivingness and gentleness, to which we might add others, ought surely to have due weight in estimating the pope's character.

Moreover, we do not find, in any writer, however hostile to him, the slightest insinuation against his moral conduct or character, and this is not a little with regard to one who has been more bitterly assailed than almost any other pontiff. The charge of avarice, which has been often repeated, may well be met by the liberality displayed in his ecclesiastical endowments and presents, especially in favour of St. Peter's Church. His justice seems universally to have been acknowledged. Hallam attests the equity of his award between England and France,‡—he reconciled the republics of Genoa and Venice; and all his negotiations between powers were to bring about peace. Even his most energetic transactions had this in view. Nearer home, Florence, as Dino Compagni assures us, called him in to decide in its own differences, about compensation to Giano della Bella;§ and the Bolognese, as we learn from Matthew de Griffonibus, sent three ambassadors to him, and he was chosen arbitrator between them, Ferrara and Modena.|| Velletri named him its Podesta, or chief governor; Pisa voluntarily appointed him ruler of the state, with an annual tribute,—and when he sent a governor there, it was with orders to swear to observe the laws of the place, and to spend all his income upon it.¶ In fine, Florence, Orvieto, and Bologna, erected statues to him at a great expense, in token of their obligations and admira-

* *Ubi sup.* p. 459.

† See the beautiful history of this holy man (though in this part of his life led astray by mistaken zeal), in the tenth book of the delightful *Mores Catholici*, p. 407. The preceding page gives an account of Guido of Montefeltro.

‡ Europe in the Middle Ages, *ubi sup.*

§ Cronica, lib. i. R. I. S. tom. ix. p. 478.

|| *Memoriale Historicum*, lb. tom. xviii. p. 131.

¶ *Rub. ex Archiv. S. Aug.* p. 90.

tion.* Of his literary acquirements we need not speak: no one has disputed them; and the Sixth Book of Decretals will attest them so long as Christ's undying church shall last.

ART. IX.—*Annals of the Propagation of the Faith.* Vol. I.
1840.—Vol. II. 1841.

AT the close of the third year since these *Annals* were first translated from the French, we think we cannot do better than take a slight review of the series since they have thus been made more completely accessible to the English public; and, in doing so, note the progress of the good work with which our country has now the honour and happiness to be associated. There is an analogy between these modest records of glorious deeds, and the simple means which are employed to accomplish them. The collected halfpence of children, of the poor, of ignorant artizans and peasants, whose knowledge of the world they live in is bounded by the half-dozen fields or streets adjoining their own obscure dwellings:—these will evangelize the world; and the humble, naïve, detached letters of the missionaries, toiling in their inaccessible retreats, form in these annals such a body of astonishing facts, of touching incidents, of evidences of the truth and power of our faith, and of varied information concerning the condition of our fellow-creatures, as we are bold to say no other book in the world can parallel. There is no Catholic who has not perused with disgust and perplexity, in the news of the day, the records of the changes, revolutions, and strife, now going on all over the world. We look into them with a consciousness that upon such subjects we cannot be indifferent; a great mystery is carrying on under our eyes; the antagonist principles of good and evil are fighting the great battle; there is not a revolution, not a change of rulers, not an event of any kind, which does not contribute to forward or retard the progress of the Catholic Church; but where shall we find the clue to their hidden tendency? most frequently in these *Annals*. Possessed of these, the Catholic whose faith is strong in the power of his religion, can more

* “Dicto anno (1301) statua sive imago Papæ Bonifacii VIII posita fuit in palatio Bladi.”—Cronica di Bologna. R. I. S. tom. xviii. p. 304.

securely prognosticate the fate of nations than those whose reasonings are based upon political economy. To take a single instance; how perplexing, painful, and contradictory have been the speculations concerning the new state of Texas? by some the assertion of its independence has been hailed with rapture; their "freedom" has been greeted with all the jargon of false liberality, yet not without a due reference to our own narrowest interests. The Texians were to become wealthy customers for our produce; properly managed, they might be converted into antagonists, at least an opposition, a balancing power, to our brethren of the United States. By another party we have heard them denounced as rebels (against the Mexicans! who have shown by their mode of governing themselves, how unfit they are to govern other people), outcasts, and the future encouragers of the slave-trade. For our own parts, knowing that this land—favoured by every blessing of nature—will be peopled, will grow up into a great nation, we are happy not to adopt either of these views. In the letter written by M. Timon, from Houston, we find reasons for anxiety respecting this new nation, but ample grounds of hope for its future destinies; and although we have no very recent accounts, we are, nevertheless, satisfied that the principle of vitality and order has been introduced there, and is growing with the growth of its society.

"The population of Texas is at present [1839] two hundred thousand souls, and is every day increasing rapidly. As the state contains seventy thousand square leagues, there is an immense extent of land uncultivated, for want of inhabitants. The climate is excellent and the soil fertile.

"Throughout this vast country there are only two Mexican priests, whose conduct is, unfortunately, not the most irreproachable; they reside at San-Antonio de Bejar, a town which contains fifteen hundred Mexicans, and fifty American Catholics, with about one hundred Protestants. The town possesses a beautiful church, which would not be built at present for £30,000; it has been considerably injured by fire, and is moreover kept in a disgusting state by the negligence of the priests to whom it is entrusted. Faith is not extinct amongst the flock, though they are discouraged by the bad example of the pastors. The Church possesses considerable estates, and the country round is the finest and most fertile in Texas, and perhaps in all America. The climate is also healthy."

"Two leagues to the southwest of Goliad, is the town, or rather the village of Refugio; the whole of its population consists of forty families of Irish Catholics; it possesses a church, which suffered much during the war, but which might be repaired at little cost.

It possesses some land, which might be sufficient for its support, and a trifling revenue is secured by law. Four square leagues (about eighty thousand acres) are destined for an establishment of education; a desire has been manifested to transfer this immense property to a Catholic institution, and there is every reason to believe that the Texian government would willingly consent to such a measure.

"The senators of San-Antonio are disposed to solicit from the government the grant of four square leagues of land for a Catholic College, and have no doubt of succeeding, if they were sure of having Catholic priests ready to undertake the establishment. As the situation of San-Antonio is the most healthy in all America, a great many children would be sent to the college, and in the course of time, even the youth of Mexico would be drawn there. I am most anxious to be able to undertake this good work, which would furnish immense resources to the mission.

"Houston is the capital of the new republic. Two years ago there was not a single house on the spot where it is built, nor within two leagues around; and now it contains a population of five thousand, including three hundred Catholics. We arrived at that town on the 3rd January; and as it was crowded to excess, in consequence of the meeting of Congress, we were a long time looking for lodgings. I have not brought any letters of introduction with me, and all those to whom I applied seemed to be afraid of a priest, or ashamed to be known as Catholics. There happened to be, however, on board the vessel which conveyed us to Texas an Irishwoman, to whom I had rendered some little service during the voyage; by her influence with a Protestant lady, she procured us a small miserable room, in which we prepared an altar, and celebrated the Holy Sacrifice on the octave of St. John the Evangelist. On the same day I had the good fortune to meet a senator and two members of Congress, with whom I had made acquaintance, and by whom we were put in communication with the Catholic members of the Congress. They readily gave us all the information we desired, and introduced us to the most influential members of the republic. I was invited to preach on the following Sunday in the hall where the Congress holds its sittings, and in the presence of the representatives of the state, and a considerable concourse of people, amongst whom were four Protestant ministers. After the sermon, which lasted an hour and a half, Mr. Burnet, vice-president of the republic, expressed a wish that I would call upon him; and many senators, and other persons of distinction, made me an offer of their services. From that time forward none were ashamed to declare themselves Catholics, and I had soon the consolation to discover that there were many sheep in Houston belonging to the fold of the Saviour. We concerted together on the means of obtaining a proper site and the resources necessary to construct a Catholic

church. All entered with ardour on the undertaking, and gave me every assurance that it should soon be finished; it will be the first religious edifice constructed at Houston. There are many Protestant ministers in the town, but they have not yet been able to construct a place of worship. Those of them who were present at the sermon in which I developed the Catholic doctrine, did not notice it in any of their religious meetings: it is true that I endeavoured on the occasion to imitate St. Francis of Sales, and speak on controversy without however seeming to seek it.

"Every day some persons assisted at mass, and on Sunday we had a considerable number; I heard the confessions of seven persons, the first fruits of the mission of Texas. I was introduced to General Houston, ex-president of the republic, who manifested much attachment to the Catholic religion. I paid a visit to the vice-president, and was invited to breakfast with him; he soon turned the conversation upon religion, expressed in the politest terms his objections, and appeared satisfied with the explanations I gave him: as I could not remain to discuss with him at length the important questions upon which he required to be enlightened, he permitted me to send him some books, which I hope may bring conviction to his mind. * * *

"In two or three years the Church of Texas will be able to support itself: but at the present moment everything is to be organized, and that cannot be done but at considerable expense. Everything is very dear here; the number of emigrants is so great, that provisions are at an exorbitant price. In two years hence this will not be the case, but now is the moment for action, otherwise the Protestants will be before us."—Vol. i. pp. 219-24.

It is no less interesting to watch the influence of religion in regenerating an ancient people, than in guiding the progress of a new one. Into the unvenerable age of China we see a principle introduced, which is to raise up a new people from its decay; the "salt" which must preserve it from decomposition. The letters from China are heart-stirring to the last degree; there, in these latter times, the triumphs, the charities, the sufferings of the apostles' days are renewed; there, the glorious martyrdom of Perboyre has been succeeded by a new triumph of the cross—M. Delamotte has died of the fatigues and sufferings of his imprisonment. "There is strong reason to believe that Minh-Menh is anxious to preserve the life of his prisoner. The English at war with China are on the frontiers of his dominions; they might bring him to a strict account for the European blood which he has shed; he will therefore postpone the gratification of his cruelty till their departure." *Hence his blood was not shed; and we*

have since heard, from an authentic source, of the death of the persecutor, Minh-Menh. If this be true, may we not hope, from the coincidence of his death with the English war with China, that a new era is about to open upon the persecuted Church?

In the islands of the Oceanica there is a different problem to be solved by our all-sufficient religion. The missionaries have not there, as in Texas and parts of the United States, to lay the foundations of a *society*, amongst crowds of men assembled from all parts of the world, held together by no common association, no prevailing feeling, little restrained by government, roaming at will over trackless wilds, resuming the reckless unrestraint of savage life, into which they carry the enlarged ideas and multiplied wants of civilization. In the Eastern and Western Oceanica, and in New Zealand, they have a population of naked savages, in many instances cannibals, to train like children, step by step, to civilization as well as faith. There are more glorious missions, there may be many more important to the destinies of the world, but there is not one of which the account is more delightful than that to the Gambier Archipelago, a cluster of four small islands. We experience the same satisfaction in marking their progress, as when we watch the training of a luxuriant and pliant vine, or of a docile child. They truly are guided by a father's hand. The good missionary puts himself at the head of his people, and goes through the small territory to divide it into portions, and the islanders receive each their allotted share with cheerful acquiescence. To rouse them from their southern idleness, the priests set to work themselves, to till the land, and free the roots of the precious bread-fruit tree from the weeds that destroy it; and after watching their labours for some time with wondering admiration, the young men are excited to imitate and to work with them.

"Idleness is here, more than any where else, the source of vice; it is not less opposed to Christianity, than to the civilization of those people; and hence we were anxious to procure, as soon as possible, some means of giving them profitable employment. Though the soil of these islands is naturally very fertile, it had been for a long time so little cultivated that it no longer sufficed for the support of its inhabitants. Such a state of things required to be immediately remedied by prevailing on the natives to clear away the soil which was overspread with reeds, and it is no easy matter to give the inhabitants of Oceanica the habits of constant labour. We were obliged first to preach by example, and await

with patience until they should resolve to imitate us. At last the most active amongst the young men set to work, and were followed by all the others, so that the inhabitants of the different islands rivalled each other in ardour, and amply compensated us for all our trouble. The women, who always work apart, were particularly zealous, and I must say that they display even yet more zeal and emulation than the men.

"At first they worked only to please the missionary, and were delighted when they received his praise, and found their meals much better when portions were distributed by him; we were able besides, thanks to the generous succours of the Propagation of the Faith, to purchase some pieces of calico, and distribute clothing to those who were most remarked for their industry. These little rewards induced them to work, not only without reluctance, but even with a feeling of satisfaction. In the morning they came to work singing, they performed their tasks singing, and in the evening retired to their huts singing too; and we were happy at seeing our Christians derive from an occupation, which had become necessary for their existence, health of body and purity of mind.

"When the harvest came, the crop was distributed amongst those who had taken share in the labour; we added a few yards of calico, and had the satisfaction to see with what joy it was received. Such as were satisfied merely with looking on, (and they were principally the chiefs, (observing with what generosity the earth had recompensed our labour, were made to understand that agriculture is a means of bettering their condition, which is certainly most wretched. Henceforward there were no idlers to be seen, every spot of ground has now its owner, who endeavours to turn it to the best advantage.

"The idleness and improvidence of these poor people were on the point of depriving them of one of the most valuable resources of tropical climates, I mean the bread tree. This useful and necessary fruit was becoming every day more scarce; when we arrived the number of trees was not very considerable. The tree which produces it, is very delicate, and unless kept clear of the weeds which grow round it, gradually perishes. At present the natives take particular care to preserve it, and each endeavours to keep his little property in as good condition as possible, in order to merit the praises of the missionary; yet these poor people have no other weeding hook than pearl shells, and nothing for a spade but a piece of wood sharpened at the end. Ah! how happy would they feel if they could procure from Europe some agricultural implements."—Vol. i. p. 240.

We have heard much of giving people "new wants," as a motive for exertion, and have ever considered it very questionable policy; but in this infant community it is religion, not any feeling of selfishness or sensuality, which supplies

these new wants, and the result must be blessed accordingly. After receiving the sacraments, the islanders became so sensible of the dignity of those bodies which had now received the holy unction, that they would no longer endure them to be uncovered; and in their religious eagerness to obtain clothing, they even trenched upon their means of future subsistence, working incessantly to obtain a sort of coarse stuff from the inner fibres of the bark of the bread-fruit tree. It may be supposed what a blessing they considered the calico which the missionaries afterwards procured from France. It was the same spirit—a desire for the comfort of their priests and the glory of God—that induced them first to build stone houses; and ere long we learned that they had begun to build two considerable stone chapels, and were going on well, allowance being made for the trifling hindrances (we will hope since then removed), of ignorant workmen and no tools. From the same source of faith and love were derived their first ideas of pomp and beauty. M. Liausu tells us that—

“This year we had a procession of the blessed sacrament in the three small islands. The altars we erected, though poor and simple, were not, however, altogether without ornament; the wood was decorated with a kind of stuff made of the leaves of the mulberry, and garlands made by M. Laval, who had spent a considerable time in making preparations for the ceremony. The pious Christians of Europe, had they seen the disposition of these altars, could not have helped admiring the address of the workmen, however they might have deplored the poverty of the ornaments. Yet, I must say with regret, that the altars in our churches, formed of intertwined reed, are still poorer, and that our churches have no other ornament or mark of religion than a small cross. Nevertheless the treasures and perfumes which the Lord loves best, faith, fervour, and simplicity, are offered to him on these humble temples. Our Christians conducted themselves with as much decorum as religious could do in France. The king and his uncle carried the canopy, and the inhabitants brought to the foot of the altars whatever they possessed, to offer it, as they said, to the Lord God the Redeemer.”*—Vol. i. p. 236.

* “The path through which the holy sacrament passed was sanded all the way. Children and parents were incessantly employed in preparing for the ceremony, and came to ask permission to work at night, lest they should not have all ready on the appointed day. There were three altars erected in the island: at the procession, the attendants walked in two files; the blessed sacrament being carried in the middle by Mgr. the vicar apostolic. Our Christians brought out all their provisions, and laid them along the passage, that the benediction of our Lord might descend upon them.

And, finally, it is zeal for religion which is enlarging their minds, and prompting them to acquire knowledge which could not otherwise be made valuable or interesting to them :—

“Such are the means we employ to banish idleness from our islands; and already have we had occasion to admire the happy effects of a life of labour. Our Christians work in common, and by their edifying conversations, reciting or singing prayers, they animate each other to virtue; those who are less fervent are influenced by the example of the more ardent, and become in their turn models of piety, docility, and modesty. Their natural dispositions require only to be cultivated; they manifest a great desire to learn, and are sometimes fatiguing by the number of questions they put to those from whom they expect any information. They feel a particular interest in the stories of the Old and New Testament; every time they hear the name of a people or town, they must be told what that people or town was. If there is a question of an Apostle, they must know whence he came, and the country to which he carried the tidings of the Gospel. On other occasions, the questions they put have reference to profane history, particularly to that of England and France. They ask who are the kings that reign in different countries, what are the remarkable events connected with the history of each; and, in particular, what is the form of religion professed there? The proselytes of the Protestant Missionaries assured them that the Catholic religion exists only in France and the Gambier Islands; we, however, removed this erroneous impression from their minds, so that they even feel a pleasure in enumerating all the countries where the true religion is followed, and in shewing that it is much more diffused than that of the Reformation.”—Vol. I. p. 242.

We are not surprised after this to hear of their encouraging their children to learn Latin, that they may serve at the mass; or of the delight with which they beheld the printing-press, when the missionaries had explained to them that by its means they could give them each a copy, which they would teach them to read—of the hymns of the church, already translated into their language.

We will venture upon one more extract, although a long one, to show the peculiar institutions of the Catholic Church, growing up instinctively like the flower from its root among these simple converts to the faith.

“Letter of the Bishop of Nilopolis, Vicar Apostolic of Western Oceanica, to Madame Viard, Superioress-General of the Congregation of the Ladies of the Sacred Heart of Jesus, and of the perpetual adoration of the most Holy Sacrament.

“Madam,—I received with gratitude the clothing which you had

the charity to send our poor islanders. It is to be regretted that at Picpus you are almost our antipodes, otherwise you might form a novitiate here full of fervour. In the beginning, M. Cyprian Liausu had directed fifteen young pious and laborious females to clear away a spot of ground which was overrun with reeds. They proposed to erect a cabin to shelter themselves from the rain, in which they conceived so strong a desire for a life in community, that they erected another near the church. Once settled in the latter, they were unwilling to quit it; their number increased to twenty-four, and would become still more considerable, if we listened to all the demands that are made for admittance. They planted cotton and sweet potatoes; the cotton is not very valuable to them, as they cannot manufacture it; the potatoes serve them for food, and whenever a vessel touches at the island, they exchange the products of their industry for stuff, of which they make clothing.

"In the other islands young females live together in the same manner, but the first are regarded as the models to be followed. I am sure that you would find in the greater number of those young persons, obedience and piety enough to make them excellent novices; they go through work which surprises us a good deal. I lately threatened the *Father-founder*, as we jokingly call him, to interdict him and his convent, if he does not moderate the ardour and activity of their zeal. They call each other sisters, and do nothing without asking the permission of her whom they have chosen for their superioress, who, by her meekness and piety, is certainly entitled to have the direction of others; I know not whether you have amongst your children any of more grave or modest deportment. When she speaks of God, one is surprised to hear her say things which she has never learned. We do not seem to attach any importance to these pious meetings; yet we often admire the virtue, piety, and angelic purity of these young hearts, which have received in baptism a new creation. Of what is not the grace of Jesus Christ capable! I am seriously thinking of sending some of these children to Valparaiso, if, as I hope, you establish a house there. We want three or four young persons who know how to read, write, sew, and spin, and who might thus be able to serve as mistresses to the others.

The ancient mission to the North American Indians has been revived and carried on with the utmost energy by the Society for the Propagation of the Faith, and excites our warmest hopes by the fervour of the neophytes, and the eagerness with which they receive the faith, of which numbers of them preserve a traditional recollection;—the harvest is here so ripe that we think many years cannot elapse before the broken remainder of this noble race will be entirely converted to Christianity. Such an event must give to America

the religious impulse she so greatly needs. No worldliness could withstand the spectacle of such Christians as the Indians make; their good dispositions are so universal, that it is difficult to make choice amongst the multiplied proofs of them. We have selected a passage from the last accounts.

"About thirty of the *Serpent* Indians, although idolaters, were present at our holy mysteries. They wished to have a conference with me, and invited me to take a place at their council. I gave them a rapid explanation of the truths and duties which the Gospel teaches. They all listened to me with the greatest attention, and then retired to deliberate among themselves. At the end of half-an-hour, one of the principal chiefs returned and communicated to me their resolutions. '*Black-gown*,' said he to me, 'the words of thy mouth have found a way to our hearts, and we shall never forget them. Our country is open to thy zeal: come and teach us how to please the Great Spirit, and thou wilt find that our conduct will correspond with thy lessons.' I advised them to choose from amongst themselves a sensible and prudent man, who would every day in the morning and evening assemble them together, in order to offer their vows to the Lord; and from that very evening the meeting took place, and prayers were said in common.

"A few days after, we arrived at the camp of the *Flat-Heads* and of the *Pandéras*, or *Ear-rings*. I shall not attempt to describe the reception which these kind Indians had prepared for their *Father*; my entry into their village was a real triumph, in which the men, women, and children took part. The great chief, a venerable old man, who reminded one of the ancient patriarchs, awaited my arrival, surrounded by his numerous warriors, and would have at once abdicated in my favour his sovereign authority; but I observed that he had mistaken the object of my visit, and that the salvation of his people was the end of my ambition. We next deliberated upon the time most suitable to be set apart for religious exercises. One of the chiefs brought me a bell, which was to serve for calling the tribe together.

"At the fall of evening, about two thousand savages assembled before my tent in order to recite together the evening prayer. I cannot express the emotions I felt, upon hearing those children of the mountains singing, in praise of the Creator, a solemn canticle composed by themselves. These two thousand voices, rising in chorus in the bosom of the desert, and with all the ardour of an incipient faith, asking of God the grace to know him better, in order to show to him more love, formed for me in the religious calm of that beauteous night a most sublime concert.

"Every morning at day-break, the old chief went round the camp on horseback, and stopping before each cabin, '*Come, children*,' he would say, '*it is time to get up. Let your first thoughts*

be for the Great Spirit ! Up, up ; the father is going to ring the bell for prayers.' If he perceived any disorderly conduct, or if the chiefs had made any unfavourable report to him, he addressed a paternal remonstrance to the delinquent, and while proceeding to the place of prayer, a promise of amendment usually followed the admonition.

"The strength of the missionary often fails ; but the attention of this good people never grows weary. I have assembled them four times a-day, in order to explain the doctrine of our Divine Master ; and yet, during the interval, my lodge is always filled with a crowd eager for instruction. 'Father,' say they to me, 'only we fear to fatigue you, we would pass the whole night here ; we forget to sleep when you speak of the Great Spirit.'

"The Lord has blessed their religious earnestness. After the second meeting, I translated, with the aid of an interpreter, *Our Father*, the Apostles' Creed, and the Ten Commandments. Having recited them for some days, in the morning and evening, I promised a silver medal to whoever would know them first. Forthwith, one of the chiefs rose up, smiling, and said, 'Father it is mine ;' and without any faltering, or mistaking a single word, he gained his medal. I embraced him, and on the spot appointed him my catechist. He set about his work with so much zeal, that before a fortnight all the *Flat-Heads* knew their prayers.

"The seed of the divine word sown under such favourable circumstances, could not fail to produce an abundant harvest : six hundred Indians were admitted to baptism, with the great chief of the *Flat-Heads* and the chief of the *Pandéras* at their head. One day, as I was exhorting the catechumens to repent of their faults, 'Father,' said the latter chief, 'I have lived for a long time in the most profound ignorance : I then did evil, not knowing it for such, and displeased the Great Spirit ; but ever since I have known what was evil, I have renounced it, and do not remember since then to have offended God wilfully.' Are there amongst our Christians in Europe many who could give a like testimony of themselves ?"—vol. ii. pp. 335-6-7.

To counterbalance these beautiful incidents, we are too often disappointed by statements which exhibit the Missionaries exhausting time and strength to follow their wandering flocks through their vast deserts. They continually meet wild tribes, who receive their glad tidings as the thirsty earth would water ; but although they can implant the first good impressions, they are absolutely without means of any kind to follow up the work.

We see the wandering character of the Indians attaching itself to their missions, doubtless inevitably, but we regret it ; for, in the increased civilization and strength which sta-

tionary habits alone can give, lie, humanly speaking, the only chance for the preservation of the Indian people—pent up as they are already between the ocean and the encroachments of their dangerous neighbours. Their territory, vast as it is, must fail them as a hunting-ground;—the animals upon whom they live, and with whose skins they trade, are becoming daily scarcer;—they will be borne down by the crafty and industrious white man, and perish in the strife, unless the Church can allure them, as she did the ancient barbarians of Europe, to give up their soul-entrancing freedom for the sound of her festival bells, and the unearthly blessings of her churches and peace-giving convents.

A perfect contrast to this mission, in all external circumstances, is presented to us in the letters from Algiers. Its fervent bishop writes in a tone of exultation befitting a perpetual triumph; and few missions can be more exciting to the mind than his: there is incessant labour, and under a burning sun, but he regards it not; relics of the ancient Christianity of St. Augustine's days, are constantly found, like good omens (if the expression be allowable), cheering him on to hope and enterprise. Gorgeous mosques, with all their treasures, are converted into Christian churches, which the proudest capitals in Europe well might envy. The brave French soldiers, grateful amidst their trials for the comforts of religion, surround every festival of the Church with the glow of their own zeal and spirit. The instructions they are receiving with open hearts they will carry back to their own country, and who can doubt the good that will be done? Yet as a mission conveying light to the people of unhappy Africa, we are not sanguine of its success. The alliance of the sword and the cross has seldom prospered; and, amidst the fierce strife that is now going on, we fear the message of peace may not be received by the natives from the French. We will not, however, conclude our account of this splendid mission with words of discouragement. Circumstances have arisen there worthy of the chivalrous days of the Middle Ages. Let us hope that now, as then, religion will succeed in laying foundations of peace, even amid the wild brawl of human passions.

Extract of a Letter of the BISHOP OF ALGIERS to the Central Council of Lyons, dated the 24th of May, 1841.

"... The 19th of May, at noon, after all sorts of negotiation and anxiety, which lasted for more than seven months, I received

from the Khalifa of Abdel-Kader in person, all the French prisoners in exchange for the Arab prisoners whom I brought with me.

"God permitted, by the most strange occurrence, that I had no armed escort, not even a solitary soldier ! and I went to the distance of a league and a half from our advanced posts, into the midst of twelve hundred horsemen, armed to the teeth, accompanied only by two Vicars-General. I held a conference of three hours with the chief of the Arabs.

"During all this time fighting was going on at some leagues' distance : the cannon was roaring in the direction of the pass of Teniah ; I had for all my defence only my crozier and cross. What a scene ! Six hundred unhappy prisoners were singing hymns for their deliverance on the day of the Ascension, when we brought them back in triumph amidst the joyous acclamations of the delighted French and Arabs."—Vol. ii. p. 246.

In India a new beginning (if we may so express ourselves) has been made—hopeful, though small. The Holy See has declared its authority, and sent out its own missionaries. It has denounced the schismatical priests of Goa, and the people are rallying round their pastors : time and patience, and to be left alone, seem now what is chiefly wanting for the success of this vast undertaking. We have seen with great alarm the proofs Lord Clifford has brought forward of a disposition in the local officers of the Indian government to annoy the Catholics. Here such an intention has been strenuously denied and disowned. We trust the indignation of Lord Ellenborough at the charge may produce good results. But, alas ! we cannot forget that under former Tory governments, the Indian Christians have experienced greater discouragement than ever they met with from their ancient Mahomedan masters. Let us hope, however, that the Almighty will stay the hand of persecution from this timid and long subservient people, to whom it might prove especially dangerous. In India, as in every other part of the world, we find the Irish, missionaries of the faith. The zeal, the good example, and the pecuniary assistance of the Irish regiments, have rendered great service to the good cause. We hope for a still greater through their means ; and that, for their sakes, priests from England and Ireland will be induced to visit this our distant country, where their services are so much needed. In fact, the distances are so immense in India, that there a small number of priests can make no sensible impression : they are not sufficient to maintain the faith in existing congregations—still less to convert the heathen. The missionaries go from place to place, seeking as it were to multiply themselves ; and we regret the

time and labour given to these long journeys; yet the accounts given of them are most entertaining. The routes of the missionaries are seldom cast in the beaten track of common travellers, and while pursuing them they are so thrown amongst and upon the people, that whenever they describe manners, or the face of the country in which they labour, although these descriptions are merely incidental, we seem to derive more information, and more distinct ideas, from them, than from volumes of elaborate travels.

We have not space to take even a transient glance at the numerous missions in the east—not one of them without its own peculiar interest;—yet we could fancy—we would fain believe it were *but* fancy—a certain tone of failing hope amidst all the toil, and prayer, and ceaseless exertions, of the missionaries to these old countries—a fond recurrence to their glorious recollections, rather than the joyful anticipations which cheer us elsewhere; as if the torch that had been extinguished and dashed to the ground, might not easily be kindled again: it may be more difficult; but what is impossible to faith? and where could there be a more glorious field for exertion than in the east?—to bring back our separated brethren of the Greek Church? Would not that be an incomparably more brilliant success than any other that even the mind of a Catholic could embrace? Would it not be a *legitimate* triumph to elevate the Catholic Church at Jerusalem, where, undeterred in the worst of times, she has so long kept watch by the tomb of the Saviour, in solitude and desolation? But we can give no preference amongst the numerous apostolic missions, of which we have the records in these delightful volumes. We suppose all the readers of them will (as we have done) attach themselves by a particular charity to some one or more amongst the missions; but there is not one of them all which does not call for and repay our best exertions, and most fervent prayers. It is indeed a matter of astonishment, that the unostentatious Council of Lyons, of which we hear so little (while of its works we hear so much), should be able to exercise such vigilant, unceasing, and impartial superintendence, over such a countless multitude of Churches: not one seems overlooked; from the remotest corner of the world the acknowledgments of gratitude are as full and frequent, as from Algiers. Amidst the distractions and difficulties which Catholics of the present day have to encounter, it is truly a matter of thankfulness that Providence has raised us up such a means of turning our exertions to

account, and has vouchsafed so great a blessing upon them. We are not asked for the countless treasures which our Protestant friends are paying cheerfully, nor have we in return to listen to monotonous and dreary elegies to "hope deferred." As if in consideration of our weakness, we are but asked for such a sum as could scarcely bring an additional privation upon the beggar in the street to pay—two shillings and twopence yearly, a single halfpenny a week, makes a person member of this society;—is even this gratuitously given? We almost blush to say it—No! For this, every member of the society is entitled to the reading (yearly) of six of these delightful annals—a pleasure, we do not hesitate to say it, which would *alone* be cheaply purchased at ten times the sum,—works in which there is something to interest men of every taste and pursuit, equally gratifying to the heart and the imagination,—and which, beyond all others, a parent would desire to put into the hands of young people—in which stores of new and various information are combined with such examples, such principles, such elevating and fervent spirituality, as must make on any heart a deep impression. Wherever there are a handful of Catholics, there can be nothing more easy than to establish amongst themselves the little organization necessary for circulating the books and receiving the halfpence; nothing more direct than the communication with the branch established in London by the Parent Society. Why, then, we ask, is there a single Catholic in the British dominions who has not joined this great company of the faithful—to be in communion with their prayers and good works, to share the gratitude of the converts, and the blessings of their pastors; to have the happiness of relieving the wants of the servants, confessors, and martyrs of Christ, and to hope for their powerful intercession in heaven. Is not this a privilege we might be thankful to obtain even by a life's labour? It is now brought home to us; offered freely to our acceptance; let us tremble to reject it. In conclusion, we have the happiness of believing that all possibility of competition between the Lyons Society and the *Œuvre de la Propagation de la Catholicité*, has been put an end to, by their amalgamation, at the express command of his Holiness; and that *now* our Society comprehends under its protection *every portion of the globe*.

NOTICES OF BOOKS.

Essays by R. W. Emerson, of Concord, Massachusetts, with Preface by Thomas Carlyle. London: Frazer, 1841.

WE are sorry to say it of a writer whose original style of writing—and occasionally of thought—have beguiled for us many a half-hour; but it is assuredly true, that Thomas Carlyle, in the words of the old *jeu d'esprit*, “has not reputation for two.” His own ideas, the only “realities” if we may believe him, are of a nature to give sufficient exercise to the strongest and most daring imagination; and when they have done so, and when those who love talent have hunted out and built up—by the help of their own imaginations mainly—a foundation of well-meaning and good tendency on which to rest his theories, and by which to recommend them, they must feel disappointed at his editing, and highly commending an author, for whom even he finds it necessary to apologise. He says in his preface, “Emerson, I understand, was bred to theology, of which primary bent his latest way of thought still bears traces. In a very enigmatic way, we hear much of the ‘universal soul,’ of the &c. &c.; flickering like bright bodiless northern streamers, notions and half-notions, of a metaphysic, theosophic, theologic kind, are seldom wanting in these *Essays*. I do not advise the British public to trouble itself much with all that; still less, to take offence at it. Whether this Emerson be a ‘Pantheist,’ or what kind of Theist or *Ist* he may be, can perhaps as well remain undecided. If he prove a devout-minded, veritable, original man, this for the present will suffice. *Ists* and *Isms* are rather growing a weariness. Such a man does not readily range himself under *Isms*. A man to whom the ‘open secret of the universe’ is no longer a closed one, what can his *speech* of it be in these days?” To answer this we should know what is the ‘open secret of the universe,’ which has taken place of the “pleasures of virtue, progress of the species, black emancipation, new tariff, eclecticism, locofocoism, ghost of improved Socinianism: these, with many other ghosts and substances, are squeaking, jabbering, according to their capabilities, round this man.” All these he has discarded. It is not easy to trace it in the works of Carlyle, in which deep thought has been employed in working out propositions long known to humbler and more teachable minds—obvious truths are wrapt up in turgid words—and through the whole runs some idea which even himself dares not look steadily in the face, and which, with all his ravings about “faith,” and “truth,” and “world-wide realities,” is only presented in the most illusory form. Emerson speaks out more distinctly; he has taken a step forward; his worship is of “MAN,” with so little qualification, that we may well start back in horror, wondering to how close an imitation of Satan we might be led by

this closest approximation to the sin of his fall. The author scarce shrinks from the consequences.

"Whoso would be a man must be a nonconformist. He who would gather immortal palms must not be hindered by the name of goodness, but must explore if it be goodness. Nothing is at last sacred but the integrity of our own mind. Absolve you to yourself, and you shall have the suffrage of the world. I remember an answer which, when quite young, I was prompted to make to a valued adviser who was wont to importune me with the dear old doctrines of the Church. On my saying, What have I to do with the sacredness of traditions, if I live wholly from within? my friend suggested—"But these impulses may be from below, not from above." I replied, "They do not seem to me to be such; but if I am the devil's child, I will live then from the devil." No law can be sacred to me but that of my nature. Good and bad are but names, very readily transferable to that or this; the only right is what is after my constitution, the only wrong what is against it. A man is to carry himself in the presence of all opposition as if every thing were titular and ephemeral but he."—p. 50. And, again, "Virtues are, in the popular estimate, rather the exception than the rule. There is the man *and* his virtues. Men do what is called a good action, as some piece of courage or charity, much as they would pay a fine in expiation of daily non-appearance on parade. Their works are done as an apology or extenuation of their living in the world,—as invalids and the insane pay a high board. Their virtues are penances. I do not wish to expiate, but to live. My life is not an apology, but a life. It is for itself, and not a spectacle. I much prefer that it should be of a lower strain, so it be genuine and equal, than that it should be glittering and unsteady."—p. 53.

We have not far to seek even in the author's own admissions, the consequences of these frightful doctrines; in the same page, after bitterly sneering at the abolitionists, he tells us "that the doctrine of hatred must be preached, as the counteraction of the doctrine of love when that pules and whines," and again, "do not tell me, as a good man did to-day, of my obligation to put all poor men in good situations. Are they *my* poor? I tell thee, thou foolish philanthropist, that I grudge the dollar, the dime, the cent I give to such men as do not belong to me, and to whom I do not belong. There is a class of persons to whom by all spiritual affinity I am bought and sold; for them I will go to prison if need be; but your miscellaneous popular charities; the education at college of fools; the building of meeting-houses to the vain end to which many now stand; alms to sots; and the thousandfold Relief Societies;—though I confess with shame I sometimes succumb and give the dollar, it is a wicked dollar which by and by I shall have the manhood to withhold."—p. 52.

In every way, with incredible perverseness and effrontery, the same doctrine is worked out ; under every title it reappears, and not always (unhappily) under the odious colouring which truth would give it ; the bold assumption that a man "shall be what he is" takes at times, under the handling of unquestionable talent, a character of magnanimity and even of grandeur. The power and scope of the human mind (distorted as are the consequences he draws from it) are forcibly illustrated ; we give the following passage as an instance. "It is remarkable that involuntarily we always read as superior beings. Universal history, the poets, the romancers, do not in their stateliest pictures, in the sacerdotal, the imperial palaces, in the triumphs of will, or of genius, any where lose our ear, any where make us feel that we intrude, that this is for our betters ; but rather is it true, that in their grandest strokes, there we feel most at home. All that Shakespeare says of the king, yonder slip of a boy that reads in the corner feels to be true of himself. We sympathise in the great moments of history, in the great discoveries, the great resistances, the great prosperities, of men ;—because there law was enacted, the sea was searched, the land was found, or the blow was struck *for us*, as we ourselves in that place would have done or applauded."—p. 6.

"All inquiry into antiquity,—all curiosity respecting the pyramids, the excavated cities, Stonehenge, the Ohio Circles, Mexico, Memphis, is the desire to do away this wild, savage and preposterous *There or Then*, and introduce in its place the *Here and the Now*. It is to banish the *Not me*, and supply the *Me*. It is to abolish difference, and restore unity. Belzoni digs and measures in the mummy-pits and pyramids of Thebes, until he can see the end of the difference between the monstrous work and himself. When he has satisfied himself, in general and in detail, that it was made by such a person as himself, so armed and so motivated, and to ends to which he himself in given circumstances should also have worked, the problem is then solved ; his thought lives along the whole line of temples, and sphinxes, and catacombs, passes through them all like a creative soul, with satisfaction, and they live again to the mind, or are *now*."—p. 11.

In his constant urging of 'self-reliance,' or in other words self-will as a motive for action, he frequently lays down precepts for singleness of purpose ; or draws pictures of simplicity of character that might be beautiful with a better context :—as in the following passage he says, "Fear never but you shall be consistent in whatever variety of actions, so they be each honest and natural in their hour. A character is like an acrostic or Alexandrian stanza ;—read it forward, backwards or across, it still spells the same thing. In this pleasing contrite wood-life which God allows me, let me record day by day my honest thoughts without prospect or retrospect, and I cannot doubt it will be found symmetrical, though I mean it

not and see it not; my book should smell of pines, and resound with the hum of insects. The swallow over my window should interweave that thread or straw he carries in his bill into my web also. We pass for what we are. Character teaches above our wills."

And occasionally there are passages of what he calls "tart cathartic virtue," which would be excellent, if they could be supposed to be (upon his own plan) possible. We have not mentioned these as tending to recommend the work; considered only as a matter of taste, the reader will not find them sufficient to atone for all the inflated common-place, and the rhapsodies he must wade through. But we have noticed the book because coming from America it is a curiosity; a strange wild graft of German mysticism upon the principle of selfish isolation, so strongly at work in the society of the new world, and which we trace here in all its ramifications; sometimes, prompted by the desire of independence to escape all authority, by owning none; oftener, we think, by the weariness of contradiction, he will not be amenable for his opinions, he will not even explain them, he grasps them with sullen tenacity, determined in his own mind at least to be free from disputation.

A more baleful spirit, a more pernicious tendency, can scarcely be found any where, than in this book, which Mr. Carlyle has introduced, with the most ridiculous flourish, as the "Soliloquy of a true soul, alone under the stars this day." Would that it were alone! One only consolation we find in this work, is the absence of all pretence to religion: that the author has not the true one, we need scarcely say; but he assumes no other: in naked, aimless infidelity he is confronted by that great and solemn church which is daily in his country gaining influence and power, and before which we trust he, and such as he (or at least their theories), will disappear—(we borrow Carlyle's words,)—"with the thousand thousand ventriloquisms, mimetic echoes, hysteric shrieks, hollow laughters, and mere inarticulate mechanical babblements, the soul-confusing din of which already fills all places." (Pref. p. vi.)

A Collection of English Sonnets, by Robert Fletcher Housman, Esq.
Simpkin, Marshall, & Co.

THE very name of this beautiful little work announces a prize to all lovers of poetry; it is a complete collection of sonnets from the time of Henry Howard Earl of Surrey, downwards; and Mr. Housman has introduced into it many by anonymous writers, which he has rescued from annuals, and such light literature, and which are well deserving of the place they now hold amongst those favourite names, which, from association, in themselves are poetry. These calm, sweet, meditative pieces, are more enjoyable, we think, for being brought together; it is pleasant to trace the different

styles of our poets, even through the strict uniformity of the sonnet; and it is pleasant to have these gems of thought, so highly polished and wrought up, presented one by one to the mind, without the intrusion of any other style of writing. The book is as elegantly got up as its contents deserve.

-
- HISTORY. (1) *Lingard's History of England*, 2nd edition.
 (2) *Dodd's Ecclesiastical History*, by Tierney, Vols. I, II, III, IV.
 (3) *Tytler's History of Scotland*, 2nd edition, Vols. I, II, III, IV.
 (4) *Moore's History of Ireland*, Vols. I, II, III.
 (5) *Arnold's History of Rome*, Vols. I and II.

IN respect of all these very valuable works we are greatly in arrear. The first will, we trust, receive very soon the justice at our hands which is due to its acknowledged excellence. We have delayed our notice of the new edition for the purpose of more leisurely examining several topics on which this distinguished author and the third name on our list are at issue.

The Rev. Mr. Tierney has well maintained his character for comprehensive research and unwearied diligence, and has collected the most valuable series of historical documents which we have ever seen, illustrative of the modern ecclesiastical history of England. The great delicacy of many of the topics which are discussed by this learned author, and the great extent of his subjects, render it no easy task to institute a critical examination of his valuable labours. We watch his progress with interest, and with a full intention, when he has made a greater advance, of laying before our readers an impartial critical examination of this work, which must take and retain a very high place in the history of British Catholicism.

Of Tytler and Moore we have read enough to promise our readers that they will greatly thank us if we prevail on them to become purchasers of these most interesting works—of both of which we shall before long present in our pages very full analyses. But the interest of both will suffer no diminution from any delay, which will make us acquainted with larger portions of the works.

Dr. Arnold's History is strikingly new and original, when presented to a reader who relies on the recollections of his schoolboy days. The work is of the deepest interest to the scholar and the statesman, and we wait only for the appearance of his third volume to renew our notice of this great acquisition to our literature. We rejoice in the public testimony to this great writer in his promotion to the chair of History at Oxford.

END OF VOL. XI.

LONDON :

RICHARDS, PRINTER, 100, ST. MARTIN'S LANE, CHANCERY CROSS.

INDEX

TO THE

ELEVENTH VOLUME OF THE DUBLIN REVIEW.

- ABAKA**,—Zoulahs, African tribe desirous of British alliance, 41.
- Abraham A Santa Clara**, German writer, extracts from, 141.
- Africa**, two nations of, desirous of British alliance, 40.
- America**, originally peopled by the sons of Japhet, 280—a part of the ancient Atlantis, 298—further discoveries of, 299—success of the Northmen, 301—the Irish successful discoverers, 309.
- Annals**, Icelandic, may throw light upon the original population, 310.
- Art**, Christian, its resurrection in Germany, 94—in Bavaria, 95—could not have occurred in Protestant Prussia, 99.
- Arthur**, Colonel, his policy in Van Diemen's Land, 458—piece of plate offered to him, 475.
- Articles of the Church of England**, interpretation put upon them by Mr. Newman, 243—who has the right to enjoin subscription, 244—whether Bishops, 247—how far the Church Catholic can be considered as the “imponens” of their sense, 250—opinions concerning them, 323.
- Athanasius**, St., passage from, 424.
- Atlantis**, under which name the Ancients were supposed to include America,
- Atlantic Islands**, supposed to occupy much of the space between Europe and America, 285.
- Austria**, 73—its enlightenment, 80—its literature, science, and art, 87—censorship in Austria, 88.
- Axioms of Euclid**, 350.
- Baden**, Grand Duchy of, state of religion there, 62—Anti-Catholic party there, 64—prospects of improvement, 65—state of morals, 66.
- Bailey**, Mr., his work on assurances, 128.
- Baird**, Sir David, his conduct to the Catholic Priests at the Cape of Good Hope, 3.
- Bathurst**, Lord, dismisses a Catholic from office against treaties, 8.
- Bavaria**, king of, his excellence and great works, 67—institutions, 71—his speech when founding the university of Munich, 72—author of the intellectual regeneration of his country, 92.
- Bavaria**, state of morals there, 67—extract of a letter concerning, 68—causes of the progress of religion there, 69—the state of art and science there, 92.
- Beamish**, Mr., extract from his work on the discovery of America, 306-308.
- Bernard**, Dr. Edward, first designed to print Greek mathematics on a large scale, 338.
- Bird**, Colonel, his appointment to an office at the Cape of Good Hope, 6—his dismissal, 8—charges against him, 11.
- Bishops in Bavaria**, well chosen, 69.
- Boers**, emigrants, in South Africa, their treatment of the native princes, 41—of their servants, 42—their emigrations into native lands, *ibid*.
- Boice**, Mr., his missionary report upon the proceedings of the Methodists in Africa, 34—his opinions, 37—his character of the people, *ibid*.
- Boniface VIII**, Pope, 505—his character hitherto unvindicated, 509.
- Books**, old mode in which they get into circulation, 336—losses of, accounted for, 404.
- Books**, school, their improvement lately, 114.
- Bouhours**, father, his sarcastic remark on German literature, 139.
- Brendan**, St., supposed to have found the Atlantis or happy island, account of him by Stillingfleet, 298.
- Brougham**, Lord, his popular treatises, 107.
- Cape of Good Hope**, number and condition of the Catholic colonists there, 2—its importance as a colony, 18—state of its coloured population, 21—necessity for encouraging emigration thereto, 43-48—its advantages as a location, 48—value of its commerce, 49—advantages of its situation, 50—its cheapness, 51—recommendation to the Emigration Society, 52—neglect of public works there, 51.
- Catholic**, whether a proper name for the Anglican Church, 311—which is desirous to obtain it, 312—her claim disproved, 314.
- Catholics**, at the Cape of Good Hope, their indifference, 3—their spiritual wants, how attended to, 4—their dissensions, 14—present distribution of their clergy, 14-17.
- Church**, Catholic, state of in South Africa, 2—the peculiar claims it has there to the charity of Europe, 19—heresies introduced there, *ibid*—its prospects north of our boundaries in Africa, 24—in Germany, its trials, &c. 57—Bavaria and Belgium her great ramparts in the 19th century, 73—state of in Austria, 76—requiring more freedom, 79—evils which oppress her in Germany, 100—her prospects, 101—claimed authority over the Church in England, 170—exerted it by ordination of bishops, &c. 171—by superintendence of morals and discipline, 176—jurisdiction concerning Metropolitans, 178—the only reformer, 434.

INDEX.

- Charles, Duke of Wurtemberg, his reprimand of Schiller, 484—his diversions, 489.
- Children, illegitimate, statistics concerning, 68-76.
- Church of England, whether or not she reformed herself in the 16th century, 168—authority claimed over her by the Church of Rome, established by the venerable Bede, 169—some account of her liturgy, 181—comparison of it with the ancient liturgies, 185—what claim she has to universality, 314—what means can be used to determine who are her members, 314—or what her doctrines, *ibid.*—Bishops disagree concerning her fundamental principles, 322—difficult to know what she is, 325—declared to have no authority to determine truth, 326—her neglect of duty, 327—difference of opinion upon baptism, *ibid.*—upon ordination, 328—uncertainty of her continuance, 329—title of Catholic still more absurd when applied to the Anglican establishment in Ireland, 330—enjoys no ascendancy in Van Diemen's Land, 470.
- Churches built in Bavaria by King Lewis, 97.
- Clergy, Protestant, in Ireland, their conduct, 213—of the Church of England acknowledged to be ignorant, 319—their differences of opinion, 320.
- Clergy, Catholic, in Wirtemberg and Baden, their scandalous example, 66—their character in Austria, 79-80.
- Cole, Sir Lowry, permits the meeting of the colonists of Cape of Good Hope, 4.
- Cologne, Archbishop of, effect of his imprisonment, 59—also in Austria, 80.
- Colonies, untruths told concerning them, 441.
- Colonists of Van Diemen's Land, their subserviency, 469—instance of, 470—reproached with mendacity, 474.
- Colquhoun, Mr., his slanders in Parliament of Maynooth College, 208—how supported, 209—his own accommodating religion, *ibid.*—further grounds of complaint against Maynooth, 225.
- Columbus, hints by which he profited in his discovery, 304.
- Convicts, what chance for their reformation, 430—nature of that reformation, 432.
- Counter-point, invention of, claimed for the English, 266.
- Crime, causes of increase in England, 445.
- Cyclopædia, Penny, accused of infidelity from adhering to no particular religious tenets, 118—professors of different sects employed to write articles concerning them, 119—its learning and correctness, 120.
- Davies, Sir John, concerning the fishery in the Banne, 372—his partizanship for the crown, 374—perversion of legal cases, 375—cites no authority for the king's right of fisheries in rivers, 378.
- Deluges, Grecian, of Ogyges and Deucalion, their supposed effect, 285.
- Derwent Bank at Van Diemen's Land, use made of it by Government, 464.
- Dingaan, an African chief, 43—his reasons for getting rid of the missionaries, and way of doing so, 46.
- D'Israeli, his charge against the middle ages, 399.
- Don Carlos, play of Schiller's, first published, 500.
- Education, state of in Bavaria, 71—in Austria, 82—carried to excess in Prussia, 84, Electors of Cologne, Treves, and Mayence. their schismatical decrees and the consequences of them, 56.
- Euclid, alteration of by editors, 330—Theon, his first editor, 333—translations of it by Asiatics, *ibid.*—temporary loss and recovery of, 334—different translations and editions of, 334—Greek text of, lately issued from the publishers' stock, 336—best editions published at Oxford, 338—edition by Dr. Hudson, *ibid.*—that by Apollonius, 339—edition published at Berlin, 340—Peyrard's edition, 342—most incorrect of all, 344—to be lamented that Euclid is less studied, 346—alterations in the axioms of, 350.
- Fiesko, a play by Schiller, its appearance, 491.
- Finlay, Mr., his doctrine upon the fishery of navigable rivers, 370-373—Lord Mansfield opposed to his views, 379.
- Fisheries of Ireland made private property, 357—at what period, 358—number of fisheries thus monopolized, and by whom, *ibid.*—their probable value, 360—injury done to them, 361—laws for the protection of such as are open, a dead letter 363—bill introduced for promoting inland fisheries, 364—set at defiance by the monopolists, 365.
- Fishery, Royal, of the Banne, 372—of the Thames, 376.
- Flynn, Dr. O, his splendid gift to Catholic Bishops, 16.
- Francis, Emperor, 77.
- Franklin, Sir John, his arbitrary proceedings, 462.
- Fresco paintings, 96.
- Geometry, its rise, 332.
- Germany, effect upon it of the thirty years' war, 134—dawn of its national literature, 138.
- Germany, Catholic, works treating of it, 54—effect of the Reformation on its prosperity, 55.
- Görres, extracts from, 57.
- Görres, the younger, 94.
- Griffith, Bishop, his arrival at Cape of Good Hope, 14.
- Grotius, Hugo, his account of the Atlantic discoveries of the Northmen, 301.
- Harris, Capt. report of African chiefs, 44.
- Hess, Henry, 97.
- Herculanensia Volumina, published by the University of Oxford, 425

INDEX.

- Hippel, Theodore Gottlieb von, 154—extracts from his writings, 157.
- Illuminés, society of, 91.
- Insurance, West Middlesex, Company, 124.
- Insurance companies, necessity for making the principle of them better understood, 126-139.
- Intimidation, or injury to witnesses in Ireland, evidence that it does not occur, 220.
- Ireland, discrepancy between what she is and what she ought to be, 356—oppression of, 357—monopoly of fisheries, 358.
- Jesuits, abolition of the order in Germany, 56—how received in Bavaria, 91.
- Jews, their traditions concerning the ancient world, 278.
- Joseph II, 56.
- Juries, civil and military at Van Diemen's Land, 465.
- Kat River, settlement of the, 34.
- Knowledge, Society for the diffusion of; opposition it met with, 105—arguments in favour of, *ibid*.
- Legislation, necessary in case of the insurance companies, 125.
- Lemprière, respecting the Atlantides or Hesperides, 284.
- Leopold, Emperor, 77.
- Lessing, attacked French fashions in Bavaria, 37.
- Lewis, king of Bavaria, 67, 71-72, 92-95.
- Lichtenberg, George Christoph, 160—extracts from his writings, 163.
- Lime, used in the making of paper, 123.
- Limerick, corporation of, trial of its right to the fishery of the Shannon, 382.
- Liscow, Christian, German writer, extracts from, 143.
- Literature, German, its intellectual wealth, 138—falsely asserted to be stiff and pedantic, 139—great admiration felt for it in England, 477.
- Liturgies of the Church of England, 181.
- Liturgy, Clementine, 185—comparison of ancient liturgies with that of the Church of England, 187—difference in the latter from the Catholic, 188—reasons for the alterations, 190—omission in the Church of England liturgy concerning the sacrament, 192—also in the administration of it, 195.
- Logarithms, table of, published in 1840, compared with those of the Society for the Diffusion of Useful Knowledge, 122.
- Ludwig's Verein, associations in Bavaria for Catholic missions, 71-75.
- Mai, Cardinal, his publications, 396—their extent, *ibid*.—and variety, 397—the labour entirely his own, *ibid*.—his peculiar triumph, the palimpsest, *ibid*.—his account of the process, 407—works recovered by him, 410—made librarian of the Vatican, 411—his preface, *ibid*.—his prodigious learning, 413—further account of the process, 414—collection of which the palimpsest is a part, 415.
- Magazine, Penny, effect of its first publication, 116—adopted no religious opinions, 118—articles on religions written by professors of the different opinions, 119.
- Magazine, Saturday, published in opposition to the Penny Magazine, 117—its sentences expressing adhesion to particular opinions useful only as signals, 117.
- Maximilian, King, 91.
- Mayence, state of religion there, 62.
- Milne, Mr. his work on assurances, 128.
- Milne, Mr. character of his poetry, 229.
- Miscellaneous Reviews, 273.
- Missions, necessity for in Africa, 23—in Texas, 550—in Oceania, 551—in America, 553—in Algiers, 555—in China, in the East, 556—Protestant, their condition, and comparative success in Central Africa, 24—fail to reform the manners of the people, 39—Moravian, their usefulness, 26.
- Missionaries, Protestant, their charges against each other, 25—Independent, their conduct to the African tribe of Griquas, their reports, 30-31—charges brought against them, 40—American, their misrepresentation, 44.
- Mongolas, Count, the king's minister in Bavaria, 91.
- Montagu, Captain, his report on the state of crime in Van Diemen's Land, 446.
- Morals and religion, state of, in Mayence, 62—of Baden, 62-66—of Nassau, 62—of Württemberg, 65—of Austria, 73.
- Morari, extract from his dictionary concerning the Atlantis, 296.
- Morgan, Mr. his work on assurances, 127.
- Moselekatse, African chief, 43—complaints made against him by the missionaries, 45.
- Music, English, a collection of, 263—remarks on different airs, 267—music formerly much cultivated, 273.
- Musicians, formerly held in great esteem, 265—fell into contempt in the reign of Henry the Eighth, 266.
- Nassau, Duchy of, state of religion there, 62.
- Noachide, traditions concerning the original distribution of them, 279—skilful in navigation, supposed to have known the compass, 283.
- Oaths, qualification 'Salvo jure superioris,' as given by Dr. Dens, also enforced by Protestant Bishops, 222—by Puffendorff and Grotius, 223—by Paley, 224.
- Ogygia, island of, alluded to by Plutarch, 295.
- Orange river, beyond the boundaries of civilization, 23.
- Orders, religious, in Bavaria, 70—in Austria, 78.
- Paley, Dr. instances of his morality, 224.
- Peyrard, his edition of Euclid, 339—how he obtained the manuscript, *ibid*.—his partiality to it, 341—faults of his edition, 342.
- Port Arthur, convict establishment, 442.

INDEX.

- Palimpsesti, or codices rescripti, 397—practice of writing a second time on parchment, 398—accusations brought on this account against the monks, 399—nature of the dispossessed manuscripts, 401—modes of preparing parcements, 405—difficulties of decyphering, *ibid.*—previous attempts at their recovery, 409—Cardinal Mai's preface, with an account of, 411—fragments which have been restored, 416—of Polybius, *ibid.*—of Diodorus Siculus, 417—of Appian, 419—of Eusebius, 420—accessions to ecclesiastical literature, 422—hopes at first excited by the discovery, 424—subsequent neglect of it in England, 425.
- Palmer, Mr. his periodical attacks upon Dr. Wiseman, 167—suspicion of his accuracy, 168—he maintains the independence of the English Church, 169—his opinion disproved, 170—his incorrect statement, 175—corrected, 176—his main argument, that the Popes did not ordain the English metropolitans, or confirm their election, 178—answered, *ibid.*—maintains the antiquity of the Church of England liturgy, 181-184.
- Press, censorship of, in Austria, 88.
- Priests, Catholic, in Ireland, defended from the charge of encouraging ribandism, 198—dangers to which they are exposed in opposing it, 201.
- Printing, recommended to be made legible more than elegant, 121.
- Prisons, French remarks upon, 435.
- Proclus, his commentary on Euclid, 332.
- Protestants, gentry, in Ireland, encouraged Whiteboyism whilst its purpose was to put down tythes, 213—embarrassed in their circumstances, 212—famine produced by their discouragement of tillage, 215—misery of their tenantry, *ibid.*—enter into a combination against their own clergy, *ibid.*
- Prussia, changes there since the accession of the late monarch, 103.
- Publishers, their opposition to the Society for diffusing Useful Knowledge, 108—badness of the cheap editions they published, 109—illustration of, 110—they change their plan, 111.
- Pusey, Dr. his accusations against the Roman Church, 253—accuses her of tolerating superstition, 254—refuted, 255—gives further instances of superstition, 257—refuted, 261.
- Quarterly Review, its attack on Ireland, 196—gross and wilful untruth of the writer, 208—contradiction of evidence, 210—admits that proof of his assertions cannot be brought, 218—reasons why, 219—unsupported and disproved, *ibid.*—candour and veracity in matters of science, 222—measures he proposes, 227.
- Rabener, G. W. German writer, 147—extracts from his works, 148.
- Revolution, French, occasionally contributed to the diffusion of Catholicity, 57, 79.
- Ribandism, in Ireland, attempts by the writer in the Quarterly to prove it instigated by the priests, 197—answered by extracts from testimony before the Committee of 1839, 198—provoked by the inhumanity of the landlords, 201—danger to which the priests are exposed, in putting it down, 201.
- Ribandmen, not applied to by the priests for assistance at elections, 205.
- Rivers, king's right over as public highways, 376.
- Robbers, by Schiller, composition of, 480—apology for its defects, 481—it is published, 482—and acted, 483.
- Sagas, translations of, by Mr. Beamish, 307.
- Sales, de Lisle de, extract from his history of the Atlantians, 286.
- Shannon, river, trial of the rights of the Limerick corporation to its fisheries, 382—no title proved, 386—legality of the weir upon the river, 389—laws against them common to England and Ireland, *ibid.*—cases in point, 390.
- Schiller, characteristics of his genius, 479 his first education, *ibid.*—is sent to Karl's academy, 480—composes the Robbers, *ibid.*—appointed surgeon to a regiment, 482—publishes the Robbers, *ibid.*—his pecuniary embarrassments, 489—is made professor of history, 503—his marriage, 501—his knowledge of Greek, 502.
- Schools, in Austria, 83.
- Science in Germany, its disadvantages, 101.
- Sea, open, its fisheries, &c. free to all nations, 369-393.
- Soldiers, Austrian, their piety, 74.
- Statistics of Austria, 76.
- Tables of mortality, 129.
- Theatre, state of, in Austria, 90.
- Tournefort on the island of Atlantis, 296.
- Tract No. 90, its object, 241.
- Transportation, a means of punishment, 429
- Tithes, in Ireland, objected to, 211.
- University of Munich, 72-93—Vienna, 85.
- Universities in England, have no power to decide religious disputes, 315—imperfect training they afford to the clergy, 316.
- Van Deimen's Land, value and beauty of the colony, 452, &c.
- Vienna, 73.
- Vinland, discovery of, and where situated, 303.
- Weirs, on navigable rivers, their illegality, 388.
- Whately, Archbishop, the first to point out the inexpediency of transportation, 437.
- Zoulahs, an African tribe desirous of British alliance, 40.

-ex.

ntri-
city,

the
nsti-
d by
Com-
the
nger
put-

iests

igh-

480
pub-

307.
tory

the
ries,
y of
laws
and

479
arl's
bers,
nent,
his
nade
age,

101.
all

96.

429

85.
r to
rfect
16.
y of

ted,
lity,

out
437.
Bri-